

Commission found that former Attorney General Peter C. Harvey used grants to pay for food and transportation at hip-hop summits aimed at getting young people to vote.

The commission, known as EAC, deemed Harvey's Hip-Hop Summits conducted before the 2004 presidential and 2005 gubernatorial elections a creative way to educate voters, but it said states cannot use federal grants doled out under the Help America Vote Act for entertainment costs like food and travel.

"EAC considers food provided to students at the summits and transportation provided to students to and from the summit as entertainment costs and not an allowable use of HAVA funds," the audit released Monday said. "In addition to being unallowable, EAC does not consider the costs reasonable since the summits were broadcast via the Internet to other schools that did not incur food and travel expenses to obtain the same information."

New Jersey will not contest the findings and has no plans to continue the summits.

"There are no plans for future summits," said David Wald, a spokesman for Attorney General Stuart Rabner.

Wald said money will come from the department's budget, but didn't know from what line-item and was unsure whether it will be from this year's appropriation or next year's budget.

The summits were a marking point of Harvey's tenure, along with a reputation for not prosecuting public corruption. Last year, Gannett New Jersey reported that Harvey additionally spent \$2.7 million in federal money producing voter awareness ads featuring hip-hop and rap artists and other celebrities – some of whom had run-ins with the law.

Harvey could not be reached Monday.

The two summits, which cost \$131,924, drew between 2,000 and 4,000 young people to discussion panels with celebrities like Russell Simmons, Wyclef Jean and Joe Budden to promote voting among young people. Celebrities were not compensated for the appearance and did not provide live entertainment.

Of that total, federal auditors found \$38,929 went for food and \$25,585 was used to bus in students.

#####

Jeannie Layson/EAC/GOV
04/05/2007 04:53 PM

To Donetta L. Davidson/EAC/GOV, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Rosemary E.
cc EAC Staff

bcc

Subject FYI ONLY: Today's media inquiries (04-05-07)

1. Matthew Murray of Roll Call interviewed Commissioner Hunter about the voter ID report. He asked her why the commission declined to adopt it, and she explained that we thought it was important to look at more than one year and that the commission had questions about the methodology -- two analyses produced two conclusions and the state comparisons (reading from the commission statement). She said it was the EAC's responsibility to conduct due diligence and make sure the data was accurate. He asked why it took so long to reach a decision, and that some groups were saying we purposely did not act before the Nov. elections. The commissioner explained that we were reviewing the data and during that time several independent experts also reviewed the information. He wanted to know if Eagleton discussed their methodology with us, and the commissioner said yes. He asked how much it cost, the commissioner told him \$560,000, and explained that the contract also included research on provisional voting which resulted in a set of best practices. He asked how EAC will prevent this kind of thing from happening in the future, and the commissioner said we are going to take a much more thorough approach, including making sure the methodology is approved by everyone before the process begins and that we will be constantly updated as the research progresses. He asked if the research didn't produce what we thought it would, and she said the issue was that we had concerns about the methodology. She pointed out that the commission voted to make it public so people could examine it and come to their own conclusions. He asked if we had refused to release this in the past, and I explained that while we were reviewing the information it was a pre-decisional document, but that along with the commission's decision not to adopt the report, they took action to make it public. I pointed out to him that this was an unanimous decision reached by two Dems and two Reps, and that they also unanimously decided to make it public. I told him we had public meetings about this project, in which the consultants were asked questions about the methodology.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

025727

Bryan Whitener/EAC/GOV
04/09/2007 05:32 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola
Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC,
Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (4-9-07, Mon)

Commissioners:

Today Paul DeGregorio was contacted by Adam Sitchko of the St. Louis Post Dispatch to get his reaction to the Roll Call article, and Paul relayed the conversation to EAC. Paul told the reporter that EAC always has a responsibility to conduct due diligence for every research project, including the one on voter ID. He said EAC has a responsibility to make sure anything it releases -- anything with EAC's name on it -- is accurate. The reporter asked why it took so long to release it, and he said it was because we were reviewing the data, and even had independent panels review the data also. The reporter asked about the allegations that the commission purposely decided not to release it before the Nov. elections, and he said no. He said it was a bipartisan effort throughout, which took more time because the commission had questions about the methodology. Paul said there are groups out there who want to inject politics into the discussion, and they will not be happy with the commission taking the time to look at all sides of every issue. And they also want certain results, and if they don't get them, they will not be satisfied. He said that's unfortunate, but the bottom line is that even though the commission didn't adopt the report, they released it so the public could reach their own conclusions.

####

025728

Gavin S. Gilmour/EAC/GOV
04/17/2007 05:27 PM

To Donetta L. Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Rosemary E.
cc Sheila A. Banks/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC, Elieen L.
Kuala/EAC/GOV@EAC, Jeannie Layson/EAC/GOV, Karen
bcc

Subject FYI-Letter from Serrano

History

This message has been forwarded.

All,

Today we received a faxed copy of a letter signed by Jose Serrano as Chair of the Financial Services and General Government Appropriations Subcommittee. The Chairman urges the EAC to publicly release the full draft version of the Provisional Voting report prepared by Eagleton. The letter states that the Congressman was pleased with our decision to engage our Inspector General and to release the draft version of the Voter ID study (though he was disappointed that we did not adopt it).

Chairman stated in his letter that if we do not decide to release the draft report, he would like an update regarding the study's status, time line for release and a statement regarding why the EAC would deviate from the "precedent" it has now set in releasing draft studies.

It is my understanding that this report was made public at the Board of Advisor and Standards Board meetings in May 2006. I do not know if any changes were made to the document after that time. Perhaps Karen can provide additional information regarding this concern. It is also my understanding that this document has been released to third parties upon request under FOIA. Additionally, I believe a best practices document was created by the EAC based on the research. That document is on our website. Also, Stephanie informed me (and Karen confirmed) that the study is posted on Eagleton's website.

A copy of Serrano's letter is attached.

GG



Serrano Letter.pdf

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT IS A PRIVILEGED DOCUMENT AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

025729

DAVID R. OBEY, WISCONSIN, CHAIRMAN
 JOHN P. MURTHA, PENNSYLVANIA
 NORMAN D. DICKS, WASHINGTON
 ALAN B. MOLLOHAN, WEST VIRGINIA
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 ROBERT E. "BUD" CRAMER, JR., ALABAMA
 PATRICK J. KENNEDY, RHODE ISLAND
 MAURICE D. HINCHY, NEW YORK
 LUCILLE ROYBAL-ALLARD, CALIFORNIA
 SAM FARR, CALIFORNIA
 JESSE L. JACKSON, JR., ILLINOIS
 CAROLYN G. KILPATRICK, MICHIGAN
 ALLEN BOYD, FLORIDA
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 TIM RYAN, OHIO
 C.A. "DUTCH" RUFFENBERGER, MARYLAND
 BEN CHANDLER, KENTUCKY
 OSBIE WASSERMAN SCHULTZ, FLORIDA
 CRO RODRIGUEZ, TEXAS

Congress of the United States

House of Representatives

Committee on Appropriations

Washington, DC 20515-6015

April 17, 2007

JERRY LEWIS, CALIFORNIA
 C.W. BILL YOUNG, FLORIDA
 RALPH REGULA, OHIO
 HAROLD ROGERS, KENTUCKY
 FRANK R. WOLF, VIRGINIA
 JAMES T. WALSH, NEW YORK
 DAVID L. HOBSON, OHIO
 JOE KVOLLENBERG, MICHIGAN
 JACK KINGSTON, GEORGIA
 RODNEY P. FRELINGHUYSEN, NEW JERSEY
 ROGER F. WICKER, MISSISSIPPI
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 JOHN T. DODDLETT, CALIFORNIA
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 ANDER CRUNSHAW, FLORIDA
 DENNIS R. RHEBERG, MONTANA
 JOHN R. CANTER, TEXAS
 RODNEY ALEXANDER, LOUISIANA

CLERK AND STAFF DIRECTOR
 ROB NABORS
 TELEPHONE:
 (202) 225-2771

The Honorable Donetta Davidson
 Chair
 United States Election Assistance Commission
 1225 New York Avenue Northwest, Suite 1100
 Washington, DC 20005

Dear Chairwoman Davidson:

I am writing to urge the Election Assistance Commission to publicly release the full draft version of its commissioned report on provisional voting. Given the concern by members of this subcommittee, as well as other members of Congress, over the issue of transparency at the EAC, I believe that it is in the best interest of the taxpayers that they be able to see the full draft report on this topic.

As you know, the EAC commissioned a report from the Eagleton Institute of Politics at Rutgers on both voter identification and provisional voting. At some point, these two reports were split from one another. On March 30, 2007, the EAC released the draft report on voter identification, entitled "Best Practices to Improve Voter Identification Requirements."

I was pleased with the positive precedent set by the EAC with the release of the draft report on voter identification. Although I was disappointed that the Commission did not endorse the results of the study, I strongly believe that releasing the full draft helped dispel concerns of transparency and partisanship, and allowed the public at large to help identify areas that need more in depth review. I also believe that you have made the right decision in asking the Inspector General to conduct a review of the Commission's contracting procedures with respect to recent reports. I am hopeful that the review will conclude that greater openness and transparency is of utmost importance.

Given your request to the Inspector General and the recent controversies over the release of the draft voter identification report, as well as the draft voter fraud and intimidation report, it would

025730

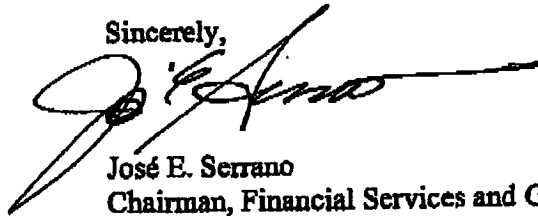
Page 2
April 17, 2007

be in the best interest of the Commission to release the draft report on provisional voting. Releasing the full draft version of this report would help to ensure that the EAC remains a transparent organization and dispel concerns that the Commission has been acting in a partisan manner.

Should the Commission decide not to release the draft report, I would then request an update as to the status of this report, a timeline for its release, as well as any compelling reasons as to why the EAC should deviate from the precedent you have now set. The public deserves the opportunity to decide whether the report is both rigorous and accurate.

As I mentioned in the hearing we held just over a month ago, I strongly believe that the EAC will be one of the most important government entities in the run up to the 2008 elections. It is of vital importance that we ensure that the EAC remains, in appearance and in fact, a bipartisan, independent agency- so that voters and election administrators across the country can trust its efforts to ensure that federal elections are safe, secure, accurate, and fair. Releasing the provisional voting report would go a long way towards that goal, and I look forward to your response.

Sincerely,



José E. Serrano
Chairman, Financial Services and General
Government Appropriations Subcommittee

025731

Rosemary E.
Rodriguez/EAC/GOV
04/17/2007 05:31 PM

To Gavin S. Gilmour/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
cc Sheila A. Banks/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC, Elieen L.
Kuala/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC,
bcc

Subject Re: FYI--Letter from Serrano

History

This message has been forwarded

Dear all,

I wonder how many more requests like this are waiting in the wings? Is there any way we can anticipate these requests? How many reports are completed and outstanding? May I request a briefing?

Thanks.

RER

Gavin S. Gilmour

----- Original Message -----

From: Gavin S. Gilmour
Sent: 04/17/2007 05:27 PM EDT
To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez;
Thomas Wilkey
Cc: Sheila Banks; Juliet Hodgkins; Elieen Kuala; Jeannie Layson; Karen
Lynn-Dyson; fms.eacfabre@yahoo.com
Subject: FYI--Letter from Serrano

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A copy of Serrano's letter is attached.

GG

[attachment "Serrano Letter.pdf" deleted by Rosemary E. Rodriguez/EAC/GOV]


025732

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

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025733

Jeannie Layson/EAC/GOV
04/17/2007 05:45 PM

To Rosemary E. Rodriguez/EAC/GOV@EAC
cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Elieen L.
Kuala/EAC/GOV@EAC, "Staci Fabre"
bcc
Subject Re: FYI-Letter from Serrano 

History

 This message has been forwarded



Commissioner,
The communications audit identified many of the outstanding issues. I have pasted the vulnerabilities section into the attached document.



Comm. audit vulnerabilities.doc

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
Rosemary E. Rodriguez/EAC/GOV

Rosemary E.
Rodriguez/EAC/GOV
04/17/2007 05:31 PM

To Gavin S. Gilmour/EAC/GOV@EAC, Donetta L.
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Hunter/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
cc Sheila A. Banks/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC, Elieen L.
Kuala/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC,
Karen Lynn-Dyson/EAC/GOV@EAC, "Staci Fabre"

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Sent: 04/17/2007 05:27 PM EDT
To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez;

025734

Thomas Wilkey

Cc: Sheila Banks; Juliet Hodgkins; Elieen Kuala; Jeannie Layson; Karen Lynn-Dyson; [REDACTED]

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[attachment "Serrano Letter.pdf" deleted by Rosemary E. Rodriguez/EAC/GOV]

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

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025735

Vulnerabilities

- **Provisional Voting & Voter ID**
 - There is media interest in this report but internal EAC officials express concern over the potential for a perceived lack of data or “meat” in the report, which is likely to invite criticism.
 - Important Dates:
 - Final reports in EAC staff review
 - Commissioner statement that this report would be out on March 8, 2007
- **Cost of Studies**
 - EAC needs to be prepared to answer questions about the cost of two studies.
 - Voter Fraud and Intimidation - \$100,000
 - Report is completed, next steps under review at EAC
 - Effective Design for Election Administration - \$681,400
 - Final report due from contractor March 30, 2007
- **HAVA Funds State Reports**
 - In its first review of the state reports EAC discovered widespread mistakes. Corrections requests were mailed in December and EAC is currently reviewing resubmitted reports.
 - Deadline for reports covering last year:
 - Title I – End of February 2007
 - Title II – End of March 2007
 - State funds reports have not been made readily available, they have only been given out through FOIA requests.
 - Moving forward EAC should consider making the reports available on the EAC website.
- **Report to Congress on State Spending**
 - Report will cover what the states have spent, and what they have done with the money, over the past three years.
 - Important Date:
 - Due to Congress end of April 2007
- **State Audits**
 - States are audited under three types of audits – the Single Audit, the Regular Audit and the Special Audit.
 - Currently the Inspector General's Office puts all audits on the EAC website, and EAC is working to make audit resolution documents function as stand alone documents.
 - Doing so is important and could be especially helpful for media and stakeholder outreach providing a clear and concise “here’s the problem, these issues were identified, these resolutions were issued.”
- **Title I. Section 102 Payments**

- States had to send certification documents to EAC to prove spending, and upon review of certifications some states were required to pay money back. EAC needs to be prepared for two possible challenges:
 - Certifications
 - Certifications are scheduled to be issued by the end of May, and states can appeal EAC decisions.
 - To meet its goal of processing appeals by end of the summer, EAC must stick to submission deadlines and its own internal deadlines.
 - Decisions will be posted online after they are sent to the states and EAC needs to be prepared to conduct state official outreach.
 - There are currently three states that EAC must prepare for in terms of possible negative media coverage.
 - Arizona - EAC may face more dialogue with AZ due to its disagreement over a proof of citizenship requirement when registering to vote. Arizona does not realize yet that they will have to repay Title I funds – approximately \$250,000 due to GSA miscalculating their precinct numbers. EAC was not aware until they filed their certification documents. This situation will require significant commissioner outreach.
 - New York - Did not meet deadline for spending and will have to repay all of their funds – approximately \$50 million. The state has not been cooperative in the past; DOJ has sued them over HAVA compliance. EAC foresees problem getting the funding back which may lead to media/stakeholder scrutiny.
 - \$53 million coming back to EAC - EAC believes that Congress did not anticipate such a large amount; 1/3 of states that received the funds have amounts to pay back. May face media/stakeholder scrutiny over program functionality.
- **Title I. Section 102 Funds Redistribution to Title II**
- EAC will tell states, based on a formula, how much funding they will be receiving from the redistribution of Section 102 funds, and states will have to revise their state plans to account for the new funding.
 - Once EAC has total funds from states needing to repay, it will take approximately 4 months to redistribute those funds under Title II.
 - As the process could prove lengthy and complicated, EAC needs to be prepared for media and stakeholder outreach.
- **National Voter Registration Act**
- EAC is required to issue regulations about registration form design but has not as of this time. Issuing regulations on registration forms is a lengthy process, so EAC needs to start immediately to address the issue before the beginning of the Presidential primaries.
 - NVRA says that EAC has to develop a form and submit to Congress every two years a report assessing the impact of the Act. EAC did a report in '05 and will be issuing another report this year but has not addressed form changes.

- Form redesign has the potential to have a huge impact on the process. FEC held regional hearings when a new form was developed, and EAC would most likely need to do the same.
- Delay could produce several negative outcomes if not addressed quickly:
 - Media coverage – Why has this taken so long? Why now?
 - Changes right before the primaries could produce controversy

➤ **Labs and Systems Certification**

- To leverage labs certification EAC should institute a notification and preparation policy with Burson-Marsteller for the 30-day accreditation window once EAC receives info from NIST.
- EAC has the opportunity through CYSTECH labs in Denver to conduct proactive media outreach.
 - The test lab has agreed to open itself to media - a good opportunity to create some “sunshine” on the testing process.
- EAC needs to prevent late system accreditation problems and possible blame in the public eye and with stakeholder groups. To do so, the following issues need to be addressed/actions need to be taken:
 - System accreditation takes approximately 6-8 months. EAC must set a hard deadline of June 2007 to avoid last minute system certification issues.
 - Engage the media
 - Work with the vendor community to conduct media outreach to counter the negative news cycle and leverage those vendors that have positive stories to tell and are open to press outreach.
 - Show what and how EAC is doing its testing. Use program examples such as FCC cell phone emissions testing and FAA airplanes testing.
 - Engage the blogger community
 - Engage the Secretaries of State
 - EAC needs to be particularly cognizant of the California Secretary of State who appears to be anti-voting system change; may want to focus on California-specific outreach program.
 - EAC should leverage possible positive stories/third party-spokespeople through the states of: Washington – Sam Reid; Texas – Ann McGeehan, Director of Elections; Maryland – Linda Lamone, Elections Office.
 - Leverage Cost-to-Test public education meeting with elections officials, NIST, manufacturers, legislators and advocacy groups.
 - Meeting TBD late April/early May
 - Leverage semi-annual vendor community/test lab meetings to focus outreach to Secretaries of State, election directors associations and election centers.
 - TBD Summer

➤ **Testing and Certification - National Association of State Elections Directors**

- Prior to EAC, the National Association of State Elections Directors handled the testing of voting machines. EAC has some of the testing results but does not currently have a thorough inventory of what documents they have, where the documents are located and what exactly the testing results say.
- These testing results, and a lack of information internally, is a serious vulnerability and it is imperative that an accurate inventory and a thorough analysis of the reports be completed as soon as possible.

➤ **Systems and Labs Transparency Issues**

- EAC not releasing source codes can be problematic for the agency.
 - EAC should develop a clear and concise public statement on source codes to be used for media questions and stakeholder questions.
- Lab accreditation conflict of interest questions have been raised. EAC needs to address this question with outreach to media and stakeholders, specifically on legislation introduced in the House.
 - HR 811 – U.S. Rep. Rush Holt
 - Possible Senate companion bill to be introduced by Feinstein or Nelson

Caroline C. Hunter/EAC/GOV
04/17/2007 06:44 PM

To Gavin S. Gilmour/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Rosemary E.
cc Sheila A. Banks/EAC/GOV@EAC, Juliet E.
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Kuala/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC,
bcc

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History

This message has been forwarded

If we release every single thing that comes in the door every contractor will have a platform to shop their "research" as they see fit at taxpayers expense. Further, I see no need for a Commission, there would only be a need for a research director to dole out government contracts. I am amazed that a "respected" academic institution would behave in this manner.

Gavin S. Gilmour

----- Original Message -----

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Sent: 04/17/2007 05:27 PM EDT
To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez;
Thomas Wilkey
Cc: Sheila Banks; Juliet Hodgkins; Elieen Kuala; Jeannie Layson; Karen
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[attachment "Serrano Letter.pdf" deleted by Caroline C. Hunter/EAC/GOV]

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100

025740

Washington, DC 20005
(202) 566-3100

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025741

Bryan Whitener/EAC/GOV
04/26/2007 10:16 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola
Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC,
Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Daily News (4-26-07, Thurs)

Commissioners:

The following items are in the news.

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National

- 'Election Fraud' Behind Firings of U.S. Attorneys (EAC mentioned)
- Hill Presses on Investigations (Roll Call)
- Diebold loses \$5.9 million in first quarter (losses from elections and lottery systems; evaluating whether to keep elections)

California

- Riverside Elections chief pledges new security

Puerto Rico

- Critics fault Bush plan for vote on Puerto Rico

Texas

- Switch causes voting 'kinks'

Vermont

- Senate OKs instant runoff voting

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National

'Election Fraud' Behind Firings of U.S. Attorneys (EAC mentioned)

Marie Cocco
Washington Post Writers Group
HispanicBusiness.com
April 25, 2007

WASHINGTON -- The fiasco over the fired U.S. attorneys started out as a footnote.

"The president recalls hearing complaints about election fraud not being vigorously prosecuted" and "may have" mentioned this to Attorney General Alberto Gonzales, White House spokeswoman Dana Perino admitted -- after it became impossible to deny that crass politics, not job performance, was at the root of the imbroglio over dismissed federal prosecutors.

Republicans claim, loudly and regularly, that an army of ineligible voters -- illegal immigrants, convicted felons, dead people -- has been invading polling places, diminishing the value of honest voters' sacred ballots. They make the charge in states where the administration of elections is highly competent, and in states where it is grossly incompetent. It is, of course, leveled against Democrats and their supporters.

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The charges are almost invariably debunked -- by courts, by prosecutors, by state elections officials and by local newspapers that probe beyond partisan screeching.

"There is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, 'dead' voters, noncitizen voting and felon voters," says a May 2006 report to the U.S. Election Assistance Commission. The bipartisan commission issued a follow-up in December saying there was "no consensus" about fraud and intimidation at the polls and the entire matter deserves study.

The consultants' study refutes another common Republican claim -- that false registration forms are leading to rampant fraud. The study even cites Craig Donsanto, chief of the Justice Department's election crimes branch, as saying "the number of election fraud related complaints has not gone up since 2002." He also says the "proportion of legitimate to illegitimate claims of fraud" is unchanged.

The Justice Department's own statistics show that of 87 ballot-fraud convictions obtained since the department launched its "voter integrity" initiative in 2002, 17 were for noncitizen voting and another six were for multiple voting. Most of the cases involved vote-buying schemes hatched by local politicians in Kentucky, West Virginia and elsewhere.

So, with 122 million votes cast in the 2004 elections, and about 83 million cast last November, what are the statistical chances that some votes are fraudulent? You do the math.

And what about all the sensational claims?

Take the 2004 Washington state gubernatorial election, which appears to figure in the dismissal of former U.S. Attorney John McKay. When the skintight race flipped to Democrat Christine Gregoire after a recount, Republicans cried foul. But after six months of legal investigation and a two-week trial, a county court judge rejected every Republican claim. The Republicans didn't appeal.

In Ohio, some Republicans after the 2004 presidential election circulated stories of dead voters and those who showed up to vote several times. But a study by the state's League of Women Voters and a group representing the homeless found that of the 9 million votes cast in Ohio in 2002 and 2004, a total of four were deemed ineligible or fraudulent by the Board of Elections or local prosecutors.

In Connecticut, state officials became alarmed when the Republican National Committee claimed that 54 residents had voted twice -- in Connecticut as well as in another state -- in the 2000 election. But a probe by the secretary of state discovered that most hadn't voted in Connecticut at all, while some had voted in Connecticut but not in the other state. Four had birth dates different from those supplied by the RNC. In New Jersey, Missouri, Michigan and elsewhere, hot claims of fraud have likewise turned out to be hot air, according to an examination of the cases.

But the vote-fraud folklore serves its purpose. It enables Republicans to push through state requirements for photos and other forms of voter identification, rules that depress turnout and impact elderly and minority voters -- that is, Democrats -- most seriously. This is the real fraud.

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National
Hill Presses on Investigations (Roll Call)

Roll Call Staff
By Paul Singer,
April 26, 2007

025743

Over Republican objections, Democrats on Wednesday approved a handful of subpoenas to force testimony by administration officials and allies — and to produce e-mails from GOP computers — on issues ranging from the firing of U.S. attorneys to the use of pre-war intelligence.

The House Oversight and Government Reform Committee approved two subpoenas for e-mail records from the Republican National Committee, after rejecting Republican amendments to limit the scope of the records demanded, extend the same request to the Democratic National Committee and issue a separate subpoena to former Clinton National Security Adviser Sandy Berger to discuss his mishandling of presidential documents. Berger has admitted to removing documents from the National Archives during his preparations for testimony before the 9/11 commission.

The committee also approved a subpoena to require Secretary of State Condoleezza Rice to testify on May 15 about what she knew regarding a now-discredited claim in President Bush's 2003 State of the Union address that Saddam Hussein was attempting to procure nuclear material from Niger.

Oversight and Government Reform Chairman Henry Waxman (D-Calif.) sought to distinguish the subpoenas from what he called the misuse of the subpoena power by the committee's two prior Republican chairmen — who both sat next to Waxman as he spoke. Waxman belittled the blizzard of subpoenas issued by former Chairman Dan Burton (R-Ind.) during the Clinton administration and said former Chairman Tom Davis (R-Va.) failed to issue enough subpoenas of the administration during his tenure at the helm. Waxman noted that committee rules allow the chairman to issue subpoenas unilaterally, as Burton often did, but said he wanted to establish a precedent of allowing members to debate and vote on subpoenas before they are issued.

Waxman's subpoenas to the RNC are intended to determine whether White House officials used political accounts at the RNC to conduct official government business. Waxman contends that in three ongoing investigations — regarding a political briefing given to senior staff at the General Services Administration, the firing of eight U.S. attorneys and the Jack Abramoff lobbying scandal — White House officials appear to have used their RNC accounts to avoid the record retention requirements that govern the White House e-mail system under the 1978 Presidential Records Act.

Rep. Darrell Issa (R-Calif.) used that concern as the basis for his amendment suggesting that the committee should subpoena from the DNC the same type of records it is seeking from the RNC. Issa said that to determine whether there is a problem in the implementation of the Presidential Records Act, the committee should compare implementation of the act under the current White House with the Clinton administration's compliance with the act.

Waxman ruled the amendment out of order, arguing that there has been evidence of improper e-mail communications in the RNC accounts but no related evidence of misuse of the DNC accounts. Waxman also pointed out that under Burton's tenure, the DNC had turned over more than 600,000 pages of documents to the committee.

The committee also released a letter from the RNC's attorney listing 36 White House employees who have or had RNC accounts, including Deputy Chief of Staff Karl Rove, Counselor to the President Dan Bartlett and Peter Wehner, who heads the Office of Strategic Initiatives, which National Journal has described as an "in-house, White House think tank."

RNC Chairman Mike Duncan issued a statement Wednesday alleging that Democrats "will stop at nothing short of the entire Republican National Committee playbook for 2008 in their search for documents. While we continue to cooperate to the most appropriate level, we fully expect this Democrat fishing expedition to continue for the entire two years of their time in the majority."

Republicans also objected to the Democrats' plan to subpoena Rice, arguing that she has more important things to do than come to the committee to testify about pre-war intelligence. On May 15, Rice is supposed to be in the Middle East meeting with Israeli and Palestinian leaders, the Republicans said.

Davis and other Republicans repeated the theme that the Democrats' questions already have been "asked and answered" by Rice in other venues, particularly in her confirmation hearing when she was nominated to become secretary of State. "This is just politics in its rawest form," Davis said.

But Democrats argued that the explanations previously offered dealt with mistakes made by the intelligence agencies. "There has been no inquiry about what went wrong inside the White House," Waxman said.

While Waxman's committee was voting — strictly on party lines — to approve the subpoenas, the House and Senate Judiciary committees also were voting to authorize subpoenas of administration officials. The House committee, with the reluctant approval of ranking member Lamar Smith (R-Texas), agreed to provide immunity and compel the testimony of Monica Goodling, the former Justice Department liaison to the White House who has said she would invoke her Fifth Amendment rights not to speak if she were called to testify before the committee. The immunity agreement would eliminate her ability to cite self-incrimination as a reason not to testify, sources said.

The Senate committee, meanwhile, authorized a subpoena for Sara Taylor, a Rove deputy who was involved in the decision to fire the U.S. attorneys. Judiciary Chairman Patrick Leahy (D-Vt.) and ranking member Arlen Specter (R-Pa.) also sent a sharply worded letter to Attorney General Alberto Gonzales asking him to provide "within a week" better answers to the dozens of questions to which he replied that he could not recall during his testimony before the committee April 19. As a result of Gonzales' inability to provide answers to those questions, "the Committee's efforts to learn the truth of why and how these dismissals took place, and the role you and other Department and White House officials had in them, has been hampered," the Senators wrote.

The Senate and House Judiciary committee votes do not necessarily mean the subpoenas will be issued. Democrats on those committees point out that they may still be able to negotiate voluntary testimony from witnesses. But the House Oversight and Government Reform Committee immediately began processing its subpoenas and issued them late Wednesday.

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National

Diebold loses \$5.9 million in first quarter (losses from elections and lottery systems; evaluating whether to keep elections)

Akron Beacon Journal

By Jim Mackinnon

Beacon Journal business writer

April 26, 2007

Green maker of ATMs says it needs more time to decide what to do with election machines unit

More money went out from automated teller machine maker Diebold Inc. than the company took in for the first three months of the year.

And as for the future of its controversial election machines division -- well, the polls are still open, executives said Wednesday.

The Green company reported it lost \$5.9 million, or 9 cents a share, on revenue of \$628.4 million for the first quarter ending March 31.

The loss was primarily due to restructuring charges of \$21.4 million related to a factory closing in France that reduced earnings by 32 cents a share.

If the plant closing charges were excluded, Diebold said it would have earned 23 cents a share. Diebold

reported net income of \$12.7 million, or 18 cents a share, for the first quarter of 2006.

Shares of Diebold fell \$1.04, or 2.1 percent, to \$48.96 by the close of trading at the New York Stock Exchange. Shares are up 5.6 percent since Jan. 1, including reinvested dividends, and are up 19.2 percent from a year ago.

Overall revenue for the first quarter of 2007 was up 0.8 percent from the same period a year ago.

"I am pleased with the steady progress we made during the first quarter, as we expected the first half of this year to be challenging," Thomas Swidarski, president and chief executive officer, said in a prepared statement.

Software is a key growth area for the company, Swidarski told analysts Wednesday. He said Diebold expects to make "strategic announcements" in the coming weeks.

As Diebold closed its factory in Cassis, France, where it made ATMs, it increased production at a new plant in Budapest, Hungary, where it expects to make 10,000 of its Opteva ATMs this year.

Diebold said it also continues to evaluate Diebold Election Systems, its Texas-based electronic voting business. Election systems revenue fell by \$22.6 million for the quarter.

The company's touch-screen voting machines have been criticized as being potentially vulnerable to tampering. Diebold has defended its election machines, calling the criticism invalid and unfair.

Diebold said it needs more time to decide what it will do with Diebold Election Systems, which it expects will take in between \$185 million to \$215 million this year. Diebold in 2002 bought Global Election Systems and subsequently renamed the business.

"We are working diligently on this effort, and we will communicate our strategy as soon as possible," Swidarski said. "We will do our best to ensure that any course of action we take will be in the best possible interest of all our customers, employees and shareholders."

Analysts and others have suggested that Diebold may spin off its election systems division.

"We believe a separation via sale or spinoff could unlock some value for shareholders while also relieving the company of the negative publicity that this business has periodically generated," Cathay Financial analyst Steven McSorley told Bloomberg News.

"What they are really saying is that they want to find someone they can sell it to at the right price," Gil Luria, a Wedbush Morgan Securities analyst, told Bloomberg News. "That also means that if they can't do that, they are going to announce they are going to hang onto it."

Election systems revenue of \$7.9 million for the first quarter of 2007 was down 74.2 percent from the \$30.4 million in revenue reported for the same period in 2006. Company executives told analysts they expect elections business revenue to pick up in the second half of the year.

The company also said its Brazilian lottery systems business revenue dropped \$18.6 million compared to a year ago.

The company said it expects revenue growth for the year to be between 3 percent and 5 percent. It expects to earn between \$2.15 to \$2.25 a share for the year.

Jim Mackinnon can be reached at 330-996-3544 or jmackinnon@thebeaconjournal.com.

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California
Riverside Elections chief pledges new security

The North Californian
By: CHRIS BAGLEY - Staff Writer
April 24, 2007

RIVERSIDE -- Riverside County is introducing a number of procedures aimed at making electronic voting more secure, the county's chief elections official said Tuesday.

Those procedures will include several additional safeguards against tampering with the computerized voting terminals in the days before an election. Registrar of Voters Barbara Dunmore said employees will drop off the voting terminals at poll sites later than in the past, thereby shortening a window that security advocates have derided as "sleepovers."

The terminals will also be strapped together and locked in a way that will prevent them from being opened, Dunmore said.

Individual polling places will also use clear plastic cases on election night to deliver electronic records of the votes to the registrar's office in Riverside, Dunmore said. That measure appears to respond to complaints of potential security breaches in what's known as the "chain of custody," the series of election workers who bundle and deliver each memory cartridge to a central counting facility.

Security advocates have noted that the opaque sacks currently in use require election workers to remove and inspect individual cartridges by fumbling around inside, at least theoretically providing an opportunity to replace a legitimate memory cartridge with one containing bogus votes or even a computer virus.

"I think we're making great strides in the chain-of-custody and security areas," Dunmore told the county Board of Supervisors on Tuesday. "As always, we learn from public comment."

The announcement came amid a pair of wide-ranging reviews conducted by state officials and a local advisory panel. Several minutes before Dunmore spoke, members of the local Election Review Committee briefed supervisors on the first three months of their own review of local voting procedures. Supervisors created the panel after paper shortages helped cause hourlong delays on Nov. 7 and 100,000 absentee ballots remained uncounted nine days afterward.

A separate review by newly elected Secretary of State Debra Bowen is now scrutinizing the touch-screen voting systems used in Riverside and 20 other California counties, and the paper-based systems used in the state's remaining 37 counties. Most of those systems, known as optical scans, involve paper ballots that voters mark with ink and then submit to be counted electronically.

Supervisors and Southwest County voting-security activists praised the local panel, saying that its five members have appeared thorough and circumspect in their review. An interim report by the panel Tuesday included a sampling of input from Dunmore and from citizens who turned out at three public hearings, but gave little hint of what recommendations the panel might make when its work concludes this summer.

Former Supervisor Kay Cenicerros, who has led the panel, said the panelists have yet to analyze the technical details of electronic voting, while also noting that it has been "the star issue" at public hearings on the matter. She cited "a passionate difference of opinion between people who fear electronic voting and those who want to see it continue into the future."

Tom Courbat, a Murrieta resident and leader of the activist group Save R Vote, praised Dunmore's new security measures in an interview, but clashed Tuesday with supervisors over Bowen's review. Bowen, a

Democrat, campaigned against incumbent Republican Bruce McPherson partly on her skepticism of electronic voting systems and on criticism of McPherson's oversight of the systems.

While Bowen has not explicitly pledged to ban Riverside County's Sequoia Edge II system or any other particular system, she has said that her review could lead her to do so, a possibility that supervisors and Save R Vote members alike acknowledged Tuesday.

Courbat urged supervisors to sell Riverside County's 3,700 voting terminals, which it purchased at about \$4,000 apiece, before the 20 other counties flood the market with theirs.

"If you sell them now to, say, Pennsylvania, you might get 50 cents on the dollar," Courbat said. "If you wait until August, you might get pennies on the dollar."

Supervisors and County Executive Officer Larry Parrish expressed disbelief at what several called a change of position. Last year, before Bowen was elected, Courbat and members of his group had urged the Board of Supervisors to invest in new security measures for the voting machines and absentee ballots. And Tavaglione hinted, for the second time in a month, that he considers Bowen's judgment "political" and predetermined.

"Government doesn't stop while we take under review someone's personal agenda," Tavaglione said.

-- Contact staff writer Chris Bagley at (951) 676-4315, Ext. 2615, [REDACTED]

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**Puerto Rico
Critics fault Bush plan for vote on Puerto Rico**

Orlando Sentinel
Tamara Lytle
Washington Bureau Chief
April 26, 2007

WASHINGTON -- The Bush administration on Wednesday called for a Puerto Rican vote on the island's political status that proponents of commonwealth status say is biased against them.

The House Resources Subcommittee on Insular Affairs heard from top advocates of three models -- statehood, independence and commonwealth -- as it weighs legislation to give Puerto Ricans a vote on their future.

Some lawmakers fired back at the administration, saying its task force on the subject lacked input from Puerto Ricans.

Gov. Anibal Acevedo Vila said he was not optimistic that anything will pass because of the deep divisions among Puerto Ricans on the topic. "If you yield to the tricky games proposed by some politicians, the process will lose credibility, or worse, die stagnated."

Acevedo Vila, a proponent of enhancing the current commonwealth status, favors a constitutional convention that would leave it to Puerto Rican delegates to lay out the choices for voters. The Bush administration, by contrast, said Puerto Rican voters should be presented only with choices laid out by Congress that are legal under the U.S. Constitution.

"We will work with Congress to ensure that any process to solicit the views of the people of Puerto Rico is transparent, understandable and fair," said Kevin Marshall, Justice Department deputy assistant attorney general. His testimony was the first comment from the Bush administration since the task force he led recommended a two-stage voting process in late 2005.

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Under a bill that is similar to the task-force recommendations, Puerto Ricans would first choose whether to keep the status quo. If that is rejected, they would choose between statehood and independence. Commonwealth and statehood options have polled nearly evenly in recent years, while independence lags, with support in the single digits. Commonwealth advocates say that two-stage voting is unfair because it pits them against the other options combined.

"Each political status must be considered on the same footing. And the clear choice of the people should win," Acevedo Vila said. "That is the true definition of democracy."

Puerto Rico's nonvoting member of Congress, Republican Luis Fortuno, said the current "destructive" situation had failed the people and led to 3,000 each month leaving the island.

Jeannette Rivera-Lyles of the Sentinel staff contributed to this report. Tamara Lytle can be reached at [REDACTED]

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Texas Switch causes voting 'kinks'

The Bryan-College Station Eagle
Eagle Staff Writer
By APRIL AVISON
April 25, 2007

Residents are encouraged to bring voter registration cards when they cast ballots in the upcoming elections, because a glitch in the new statewide system may cause delays, election officials said.

In the process of recently converting to a statewide registration system, the addresses of about 2,000 voters within Brazos County were deemed invalid because they didn't match Department of Public Safety Records, said Kristy Roe, chief deputy at the Brazos County Tax Office.

More than 80,000 people are registered to vote in Brazos County.

State officials are in the process of correcting the errors, but it's possible that some people could show up at the polls and have to go through a lengthy process before they can vote. That's why voters are being asked to try to find their registration cards now, Roe said.

"No one is going to be turned away," she said. "It's just going to take longer. Having your voter registration card is very helpful because it tells that poll worker that you're a valid voter whether your name shows up on the rolls or not."

Early voting begins Monday, and the election is scheduled for May 12.

The recent passage of the Help America Vote Act requires that the state, rather than counties, handle voter registration.

"It requires that we pull our list from state software," Roe said. "I think the software itself has fantastic potential. It's just that the rollout was statewide in one day. It took some active voters and said their addresses weren't valid, and it put those people in limbo."

Scott Haywood, director of communications for Secretary of State Roger Williams, confirmed that some problems are being worked out with the system's vendors, IBM and Hart Intercivic.

"This is the first time we've used this system, and we're experiencing some kinks, but we're hoping to

address those as quickly as we can," he said. "We're working on the system itself, and on some backup solutions, so elections will be minimally impacted."

If a voter's name isn't on the rolls and they don't have a registration card, they have to be verified by the state voter registration office, a process that could take at least 20 minutes, Bryan City Secretary Mary Lynne Stratta said.

"It could be that nobody who votes in this election is going to be one of those 2,000, but I want everybody to know about this," Stratta said.

Election officials stressed that no one should be discouraged from voting just because they can't find their registration card. They should, however, bring some form of ID such as a driver's license, Social Security card or utility bill.

"What we really want to do is inform the voters that we've had to go to this statewide system," Stratta said. "We know there could be problems, and we want our voters to be prepared."

Haywood said there's no way to tell how long it will take to verify a name on election day.

"It will depend on the volume of calls," he said. "Voters always have the option of voting provisionally. If it's determined later that they're a registered voter, their vote will count."

In the upcoming election, Bryan voters will choose a mayor, and residents of Single Member Districts 2 and 4 will choose a council member. College Station's council members represent the community at large, and voters will decide a mayor and council members for places 1 and 2. A \$67.42 million school bond issue election also is on the ballot for College Station voters.

A proposed constitutional amendment will appear on ballots statewide. If approved, it would authorize the Texas Legislature to adjust the school property tax rate for senior citizens and disabled residents.

April Avison's e-mail address: [REDACTED]

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Vermont
Senate OKs instant runoff voting

Burlington Free Press
Published: Thursday, April 26, 2007
By Terri Hallenbeck
Free Press Staff Writer

MONTPELIER -- By a slim margin Wednesday, the Senate gave preliminary approval to a bill that would have Vermonters deciding congressional elections by instant runoff voting, the method Burlington used in last year's mayoral vote.

Supporters of the method hailed the 15-13 vote. "This definitely gives it a big boost," said Paul Burns, executive director of the Vermont Public Interest Research Group. "Despite the closeness of the vote, this is a giant step."

Opponents criticized instant runoff voting as confusing, expensive and unnecessary. "It's a problem that doesn't exist that's going to cost us money to fix, and there's not a lot of support around the state," said Sen. George Coppenrath, R-Caledonia.

The legislation calls for using instant runoff voting starting in 2008 with the state's lone U.S. House seat. Voters would rank the candidates in order of preference. If no candidate won more than 50 percent of the

first-place votes, voters' second choice would be factored in. The idea is to ensure that whoever wins has the backing of a majority of voters.

"This is not a newfangled idea," Senate Government Operations Committee Chairwoman Jeanette White, D-Windham, told the Senate in making a pitch for the legislation. Along with Burlington, the system is used in places such as Australia, Ireland and San Francisco, she said.

Vermont would, however, be the first state in the nation to use the method if the legislation is enacted. The likelihood of that is uncertain.

Senators are due to vote on the bill again today before sending it to the House. The legislation might reach the House floor before adjournment next month, but time is short, said House Speaker Gaye Symington, D-Jericho, who was clearly irritated with the Senate for passing the legislation so late in the session.

Gov. Jim Douglas opposes the legislation. While Douglas generally refuses to declare whether he will veto legislation before it goes through the Legislature, spokesman Jason Gibbs said, "He really does not like it. He believes fundamentally in one person, one vote."

For Sen. Hinda Miller, D-Chittenden, Wednesday's vote was personal. She lost last year's Burlington mayoral race in which instant runoff voting was used for the first time in Vermont. "I don't think it really gives an honest evaluation of who people choose first," she said. "This is a game of chance," Miller said.

During the campaign, she said, she and her supporters spent a lot of time strategizing about how instant runoff voting would affect the race. "It becomes a significant part of the campaign -- who should you vote for second? It got very confusing for all of us."

White argued that exit polling done at the Burlington election indicated voters were not confused by the process, and that 63 percent of them liked instant runoff voting.

Contact Terri Hallenbeck at 229-4126 or thallenb@bfp.burlingtonfreepress.com.

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Bryan Whitener/EAC/GOV
04/27/2007 10:48 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola
Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC,
Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc
Subject FYI - Daily News (4-27-07, Frid)

Commissioners:

The following items are in the news.

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National

- Tova Wang Issues Press Release: Calls for EAC to End Censorship (Comm. Hillman quoted)
- Vice-Chair Rodriguez Statement Regarding Tova Wang's Request
- Writer/Researcher of EAC 'Voter Fraud' Study Says She Has Been Gag-Ordered by the Federal Commission (Comm. Hillman quoted)
- "As Shallow as a Dry Brook": Buster Soaries on the Federal Commitment to Election Reform (Soaries discusses EAC from its beginning to his departure)
- Will Voting Reforms Discourage Minority Voting? (EAC, voter fraud, Tova Wang)
- The voter fraud scam (Roanoke Times editorial; EAC mentioned)
- Dianne Feinstein: Ensuring every vote counts in elections
- Voter Fraud and the EAC (Dan Tokaji)
- HAVA Amendment Buried in Iraq Bill? (changes 102 funds deadline Pages 12 and 186)
- Author of 'Armed Madhouse' cites concerns for 2008 race (cites EAC stats on votes not counted)
- White House held GOP prospect briefings (Hatch Act, GSA and other agencies)
- It's Time To Outlaw Paperless Electronic Voting in the U.S. (EAC mentioned)

Texas

- Homer says no to voter ID bill (EAC mentioned)

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Also included below is the weekly summary of election reform news and opinion that appears in electionline.org today.

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National

Tova Wang Issues Press Release: Calls for EAC to End Censorship (Comm. Hillman quoted)

Tova Andrea Wang, Co-Author of the Voter Fraud and Voter Intimidation Report for the Election Assistance Commission, Calls for an End to the Censorship

Press Release
Contact James Joseph
Arnold & Porter
(202) 942-5355


025752

Over the last few weeks, there has been a developing controversy in the press and in the Congress over a report on voter fraud and voter intimidation I co-authored for the Election Assistance Commission ("EAC"). It has been my desire to participate in this discussion and share my experience as a researcher, expert and co-author of the report. Unfortunately, the EAC has barred me from speaking. Early last week, through my attorney, I sent a letter to the Commission requesting that they release me from this gag order. Despite repeated follow-up, the EAC has failed to respond to this simple request. In the meantime, not only can I not speak to the press or public -- it is unclear under the terms of my contract with the EAC whether I can even answer questions from members of Congress.

My co-author and I submitted our report in July 2006; the EAC finally released its version of the report in December 2006. As numerous press reports indicate, the conclusions that we found in our research and included in our report were revised by the EAC, without explanation or discussion with me, my co-author or the general public. From the beginning of the project to this moment, my co-author and I have been bound in our contracts with the EAC to silence regarding our work, subject to law suits and civil liability if we violate the EAC-imposed gag order. Moreover, from July to December, no member of the EAC Commission or staff contacted me or my co-author to raise any concerns about the substance of our research. Indeed, after I learned that the EAC was revising our report before its public release, I contacted the EAC, and they refused to discuss with me the revisions, or the reasons such revisions were necessary.

Stifling discussion and debate over this report and the critical issues it addresses is contrary to the mission and goals of the EAC and to the goal of ensuring honest and fair elections in this country. Commissioner Hillman stated in her defense of the EAC's actions that the EAC seeks to "ensure improvements in the administration of federal elections so that all eligible voters will be able to vote and have that vote recorded and counted accurately." I share this aspiration. But I believe that the best way to achieve that end is not by suppressing or stifling debate and discussion, but by engaging in a thoughtful process of research and dialogue that ultimately arrives at the truth about the problems our voting system currently confronts.

#####

National

Vice-Chair Rodriguez Statement Regarding Tova Wang's Request

Statement of Vice-Chair Rosemary E. Rodriguez Regarding Request by Tova Wang, Co-Author of the Draft Voter Fraud and Voter Intimidation Report for the Election Assistance Commission April 26, 2007

On April 16, 2007, Ms. Tova Wang, formerly a contract employee of the United States Election Assistance Commission (EAC), made the following request of the EAC: "to discuss with third parties any and all aspects of her work for the EAC and to release her research and other information relating to her work for the EAC and the draft report that she submitted to the EAC."

Today, Ms. Wang issued a public statement restating her request to the EAC, pointing out that we have not yet responded to her April 16 request. As a member of the EAC, I am compelled to comment on her request. I cannot bind the Commission, as one member, but I believe that the EAC should immediately respond to Ms. Wang's request. I further believe that releasing Ms. Wang to discuss her work for the EAC will be a positive step as we endeavor to operate with more transparency.

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National

Writer/Researcher of EAC 'Voter Fraud' Study Says She Has Been Gag-Ordered by the Federal Commission (Comm. Hillman quoted)

Tova Andrea Wang, Co-Author of Bi-Partisan 'Voter Fraud and Voter Intimidation Report' for the Election Assistance Commission, Calls for an End to the Censorship in Wake of EAC's Altering of Her

025753

Report...

Brad Friedman
Brad Blog
April 26, 2007

^[1]In a just released [statement \[PDF\]](#) ^[2], Tova Andrea Wang, a Democracy Fellow at the Century Foundation --- co-author of a report that the U.S. Election Assistance Commission (EAC) attempted to bury --- has announced that the federal commission of Presidential-appointees has refused to allow her to speak directly about her report and the action taken by the EAC to alter its findings and hide her original report from public view.

Despite the controversy surrounding the bi-partisan report and Wang's desire to participate in the discussion as the report's co-author, the EAC --- at the heart of several controversies of late and [increasing Congressional scrutiny](#) ^[3] --- has barred her from speaking about it.

"It has been my desire to participate in this discussion and share my experience as a researcher, expert and co-author of the report," Wang says in her statement. "Unfortunately, the EAC has barred me from speaking."

Her official legal requests have been ignored by the commission.

"Early last week, through my attorney, I sent a letter to the Commission requesting that they release me from this gag order. Despite repeated follow-up, the EAC has failed to respond to this simple request. In the meantime, not only can I not speak to the press or public --- it is unclear under the terms of my contract with the EAC whether I can even answer questions from members of Congress"

"As numerous press reports indicate, the conclusions that we found in our research and included in our report were revised by the EAC, without explanation or discussion with me, my co-author or the general public," Wang continues...

"From the beginning of the project to this moment, my co-author and I have been bound in our contracts with the EAC to silence regarding our work, subject to law suits and civil liability if we violate the EAC-imposed gag order."

Moreover, she goes on to add that from the time of the reports submission in July of 2006, until the EAC released its altered final version in December of 2006, she was never contacted by the EAC with concerns about the study. When reports surfaced that the EAC was revising the report before public release, she contacted the EAC, but according to her statement, "they refused to discuss with me the revisions, or the reasons such revisions were necessary."

Wang goes on to quote EAC commissioner Gracia Hillman's recent claims that the EAC seeks to "ensure improvements in the administration of federal elections so that all eligible voters will be able to vote and have that vote recorded and counted accurately."

In reply, Wang writes: "I share this aspiration. But I believe that the best way to achieve that end is not by suppressing or stifling debate and discussion, but by engaging in a thoughtful process of research and dialogue that ultimately arrives at the truth about the problems our voting system currently confronts."

[BRAD BLOG](#) ^[4] readers will recall that Wang [Guest Blogged here](#) ^[5] on the dubious subject of GOP "voter fraud" allegations but did not directly discuss the EAC report in that article.

We have invited her on several occasions to comment on the EAC's action, but she has declined in light of the contractual restrictions.

We have covered the issue of the gamed study, altered before release in order to whitewash the failure to

find more than a handful of legitimate "voter fraud" issues, despite storied GOP claims of a massive epidemic, [here](#)^[6] and [here](#)^[7].

-- Wang's original draft report on "Voter Fraud and Voter Intimidation" is [posted here \[PDF\]](#)^[8]
-- The EAC's altered report, retitled "Election Crimes: An Initial Review and Recommendations for Future Study" is [posted here \[PDF\]](#)^[9]

At the time of the original report's release, the commission was chaired by Paul DeGregorio, a St. Louis colleague of high-level Republican operative Mark F. "Thor" Hearne who was involved in the study. Hearne's "non-partisan" group, "[American Center for Voting Rights](#)" (ACVR)^[10] has been pushing claims of "voter fraud" for years in order to help enact restrictive and disenfranchising Voter ID laws meant to keep Democratic-leaning voters from the polls.

The [BRAD BLOG](#)^[11] will have more on Hearne and the EAC's "voter fraud" report later today...

^[12]For more information on the "non-partisan" tax-exempt ACVR "Voter Fraud" scam and the snakeoil salesmen who invented it, Bush/Cheney '04 National General Counsel Mark F. "Thor" Hearne and RNC Communications Director Jim Dyke, please see BRAD BLOG's full Special Coverage of the "American Center for Voting Rights" at <http://www.BradBlog.com/ACVR>^[13].

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URLs in this post:

[1] Image: http://www.BradBlog.com/Docs/EAC_VoterFraud_DraftReport.pdf

[2] statement [PDF]: <http://moritzlaw.osu.edu/blogs/tokaji/WangStatement-070426.pdf>

[3] increasing Congressional scrutiny: <http://www.bradblog.com/?p=4448>

[4] BRAD BLOG: <http://www.bradblog.com>

[5] Guest Blogged here: <http://www.bradblog.com/?p=3891>

[6] here: <http://www.bradblog.com/?p=4341>

[7] here: <http://www.bradblog.com/?p=4391>

[8] posted here [PDF]: http://www.BradBlog.com/docs/EAC_VoterFraud_DraftReport.pdf

[9] posted here [PDF]:

http://www.BradBlog.com/docs/EAC_VoterFraudIntimidationReport_POSTED_120706.pdf

[10] "American Center for Voting Rights" (ACVR): <http://www.BradBlog.com/ACVR>

[11] The BRAD BLOG: <http://www.BradBlog.com>

[12] Image: <http://www.BradBlog.com/ACVR.htm>

[13] <http://www.BradBlog.com/ACVR>: <http://www.BradBlog.com/ACVR>

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National

"As Shallow as a Dry Brook": Buster Soaries on the Federal Commitment to Election Reform (Soaries discusses EAC from its beginning to his departure)

OpEdNews

By MegECox

April 26, 2007

"It was the worst experience of my life," DeForest "Buster" Soaries said of his 16 months as the first head of the U.S. Election Assistance Commission.

Soaries is a faith-based community development pioneer, former New Jersey secretary of state, and currently senior pastor of First Baptist Church of Lincoln Gardens in Somerset, N. J. In early 2003, he received a call from the White House: President Bush wanted him to serve on a new commission that was

established by the 2002 Help America Vote Act to assist with federal elections and establish minimum election administration standards. Soaries agreed to serve.

The Long Road to Confirmation

The confirmation process took a lot longer than Soaries had anticipated. HAVA called for the four EAC commissioners to be appointed by February 26, 2003, but background checks on the nominees were not completed until June of that year. Confirmation was expected by September, so Soaries made arrangements to move to Washington and enroll his twin sons in their first year of high school there. "Although it was late," Soaries said in a January 2007 interview, "I did not perceive that it was too late." He expected that they would have "14 months of solid work" before the 2004 presidential election.

By August it had become clear that the appointment was "more tentative than firm," Soaries said, so he decided to enroll his boys in high school back home and planned to commute to Washington. Other commissioners had to make similar adjustments, Soaries recalled. One closed down his law practice; another stopped accepting clients for her contracting firm. Because of the delays and uncertainty, "by that time I was prepared to withdraw," Soaries said. "But if I had, the EAC wouldn't have been able to get started in time to do anything in '04, and anything bad in the election would have been blamed on this guy from New Jersey who pulled out."

The delays were costly. Not only would Soaries have to maintain two households on one salary ("I couldn't receive my church salary anymore because of federal ethics rules, even though I was still preaching," he said), the commission would have only 10 months to prepare for the presidential election. The commissioners were finally confirmed on December 13 and decided to begin their work immediately after the holidays, in January 2004.

The Help America Vote Act, which had created the EAC, had taken a long time to get off the ground, too: It didn't pass until two years after the 2000 presidential election. Soaries explained that, on the one hand, he wasn't cynical about Congress taking so long to pass HAVA because 9/11 had happened in the interim. On the other hand, he wondered why it hadn't passed much earlier. "If Washington really believed Florida 2000 was a national disgrace," he said, "it would have passed HAVA before 9/11. It's not rocket science." And if the Bush administration had had any "sense of urgency," he argued, it would have "started identifying candidates for the EAC while HAVA was still being discussed."

The EAC Begins Its Work

Some unpleasant surprises awaited the newly confirmed EAC commissioners when they arrived in Washington. "Number one," Soaries recounted, "we have no office. So when we report to Washington we agree to meet at a hotel. There's no place designated for us to report. There was no 'they' to give us office space. Congress and the White House confirmed us and appointed us and then moved back to Iraq. We have no telephone, no telephone number, no place to report. The White House could have made preparations. We were confirmed December 13, and that was it."

Not only was the EAC without office space, it was badly underfunded, with only \$1.2 million dollars with which to secure and furnish office space, pay the commissioners and staff, and carry out the mission HAVA had laid out for it.

HAVA had transferred the Federal Election Commission's Office of Election Administration to the EAC, Soaries explained, so the commissioners arranged to use FEC office space to facilitate the transfer. The EAC didn't get its own office space until April 2004.

The commission settled in to begin work on its assigned tasks. It was to distribute money to the states for the purchase of new voting equipment—by this time many had purchased equipment and were awaiting reimbursement—and it was to research voting systems and establish technology standards for them. The commission has minimal regulatory authority, but Soaries didn't see that as a problem: "I felt the lack of regulatory authority would not impair our work because if we had \$10 million for research, we could say

this technology is standard for voting equipment, and no one would be caught dead choosing anything below that standard."

The trouble was that although HAVA had authorized millions of dollars for research on voting equipment, Congress didn't appropriate a penny for that purpose during Soaries's tenure. With neither research nor regulatory authority, he said, "all you have is a soapbox."

Another surprise for the commissioners was that states were receiving hundreds of millions of dollars to buy voting equipment according to the HAVA-mandated schedule but were being given virtually no guidance regarding how to spend it. When Congress became aware of the trouble, Soaries said, it asked the EAC to recommend solutions. So the commissioners prepared a budget outlining what the commission would need in terms of money and timing. "But the Office of Management and Budget stopped us from giving the document to Congress," he recalled. "'You don't have bypass authority.' they said."

Some independent commissions must have everything approved by OMB, Soaries explained. "Everything must pass through the White House," he said. "They didn't tell us this until April." At the time, a multibillion-dollar Iraq War appropriation was making its way through Congress, and the commissioners "wanted to tack on \$2 million to give us enough money to prepare for the November elections, and OMB wouldn't allow the request to go in," Soaries said.

The first round of HAVA funding had gone to the states before the commissioners arrived in Washington. "The federal government just wrote the checks," Soaries said, and many states used the money for voting equipment. The funding in the next round was much more substantial, but before it could be released, the commission had to make sure that each state had submitted a plan that included all of the elements required by HAVA.

According to Soaries, this was not a qualitative analysis because the EAC did not have the authority to do qualitative analysis on state plans. That lack of authority was a result of the political process that produced HAVA. "In every chapter of HAVA there's a compromise that makes no sense," Soaries commented, "that you look at and say, 'Boy, this is weird.'"

After the EAC verified that the plans had the needed components, the commission was required to publish them in the Federal Register for 45 days, at a cost to the cash-strapped commission of about \$700,000. "What was so offensive is that the Federal Register is a publication owned by Congress," Soaries said. "So watch this. Congress passes a law that requires publication in a publication that Congress owns, but passes a budget that does not provide money to do what Congress mandates. This is criminal! If Congress owns the Federal Register and we're down the hall from the Federal Register, everyone wants to believe that this is all an oversight. So we went to Congress and said, 'You should waive the fee,' and they wouldn't do it."

The commission finally published the plans after spending several weeks coming up with the money to do so, and the funds were released to the states in July 2004. "Many of these states were waiting for money to prepare for November '04," Soaries said, "and Congress knew that."

Although the states' acquisition of new voting machines was the most pressing issue the EAC dealt with in its first year, Soaries emphasized that machines are not the whole story. "If the subject is the right to vote in a democracy, then machines and accessibility and information are all important," he said. "If every machine works flawlessly but people don't know where to go to vote, we have a problem. The EAC in history is the only commitment the federal government ever made to do anything about [improving election administration], and that commitment is as shallow as a dry brook."

Soaries stuck it out through the November election, then resigned from the EAC in April 2005. House Democratic Whip Steny Hoyer issued a statement on the occasion of the resignation, challenging the Bush administration and Congress to "seriously consider Mr. Soaries' observations as we develop the Fiscal Year 2006 budget."

"Who Promotes Democracy?"

Soaries made it clear that neither party was supporting election reform during his tenure at the EAC. "There was no resounding protest from the Democrats to any of this," he pointed out. "There was silence and complicity. Why? At its core it's because members of Congress in their heart of hearts believe that, with all of the flaws and problems and mishaps, the system cannot be too bad because it produced them. American democracy has been swallowed up by American politics."

The electoral process is increasingly dominated by political consultants, Soaries said. "Their job is not to promote democracy but to promote the candidate, by producing your base supporters in larger numbers than your opponent. The strategy of choice has two objectives: I want my people to vote and I want yours not to. Politics by definition requires a form of voter suppression."

If politics is all about bringing out your own base while suppressing your opponent's, Soaries asked, "Who promotes democracy?"

The EAC Since Soaries

Since Soaries left the EAC, Congress has released the funds necessary for it to fulfill its mandate under HAVA. The commission has also become much more partisan, many voting rights activists charge. Steve Carbó, senior program director in the democracy program at Demos, a national public-policy organization, said in a February 2007 interview that Soaries "wasn't willing to play the political games that go on in Washington. He never assumed a traditionally partisan role in his work on the commission."

Rolling Stone magazine asked Soaries whether there were any attempts to politicize the EAC during his tenure. Early on there was an attempt, Soaries answered, but "the one time I got a call from the White House trying to invade this space, I pushed back, and they never called again." People at the White House apparently thought that "because I was a Republican . . . I cared more than I did about Republican politics," he told Rolling Stone.

HAVA authorized the EAC only through 2005. Since then, Carbó said, the commission's longevity has been an "open question." A provision in an election reform bill now in Congress (H.R. 811, called the Holt Bill) would extend the commission's authorization, and the Carter-Baker Commission on election reform recommends greater rulemaking authority for the EAC. These developments worry some voting rights activists.

"If you had asked me two years ago whether giving the EAC rulemaking authority is a good idea, I would have said yes without reservation," Carbó said. But now he worries that the commission will use its authority to further partisan or political ends and feels that the EAC can serve the voters only if both the president and Congress are willing to put aside political interests in the appointment of commissioners and in appropriations for its operation.

Problems in election administration didn't begin with the hanging-chads debacle; rather, Florida 2000 opened a window on an already broken electoral system and opened the door to initiatives that threaten to harm it even more. EAC oversight, electronic voting machines, stricter voter ID rules, consolidation of statewide voter lists—all are outcomes of HAVA that may have been proposed with good intentions but that can make way for less transparency in elections and for disfranchisement of eligible voters. "Elections should be fair and consistent," Ingrid Reed, director of the New Jersey Project for the Eagleton Institute of Politics, said in a February 2007 interview. "We should know what the rules are, and we should be sure election administrators are following them. That's what Buster was concerned about and is concerned about. This system is not one he feels is reliable."

This article originally appeared in the ePistle, the online newsletter of Evangelicals for Social Action. Reprinted by permission of the publisher.

Authors Bio: Meg E. Cox is a freelance writer, editor, and book indexer in Chicago. She writes a monthly newspaper column on voting rights and electoral administration, and her feature articles have appeared in several national magazines.

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National

Will Voting Reforms Discourage Minority Voting? (EAC, voter fraud, Tova Wang)

Gotham Gazette

by Doug Israel and Andrea Senteno

April, 2007

The recent decision to move New York's presidential primary to February 5 -- which is now being "Super Duper Tuesday" -- is not only expected to give New Yorkers more influence in choosing in the Democratic and Republican nominees, it could also boost voter turnout and increase the power of urban and minority voters.

According to recent report by The Century Foundation early primaries in states like California, Nevada, New Jersey and New York mean that Latino voters in particular, "could not only affect the outcomes, but also the topics the candidates focus on, including wage and labor issues, education and immigration reform."

At the same time, though, because of the debacle in Florida in 2000, new voter identification requirements are being implemented that may have the opposite effect, discouraging minority groups from going to the polls.

Voter identification requirements have become a critical part of the national debate over election reform. Supporters of more stringent regulations argue that voter fraud is frequent enough to justify strict new identification requirements. Others disagree, arguing that the consequences far outweigh the benefits.

"At a time when not nearly enough people vote in the United States, some political players are making it more difficult for people to vote," said Tova Wang, a fellow at the Century Foundation and a co-author of a report on voter fraud now at the center of a brewing controversy. According to Wang, the federal Election Assistance Commission rewrote the report's findings before its final release and issued a gag order to keep Wang from speaking about the report.

VOTER IDENTIFICATION REQUIREMENTS

The 2002 Help America Vote Act (known as HAVA) tried to address voter identification issues by calling for updated voting systems and technology across the country.

HAVA requires that first-time voters present a state driver's license or the last four digits of their Social Security number at the time of registration. Voters with neither form of identification may use a valid photo ID, a current utility bill, bank statements, government check or any other government document that shows the registrant's name and address. Voters who do not supply this information at the time of registration will be asked for it at polls when they go to vote for the first time.

Although HAVA is a federal program, each state must come up with its own ways of complying with the regulations. New York State's laws largely mirror those of HAVA and are not considered overly burdensome by many election reform experts.

IS FRAUD A REAL CONCERN?

The main reason for the new voter identification regulations, proponents argue, is voter fraud. And they point to news stories that appear after nearly every election relating instances of impersonation, double

voting, and even votes cast on behalf of the dead.

But the prevalence of voter fraud depends on who you ask, with Republicans generally arguing that it is widespread and Democrats typically arguing that it is not.

A lengthy, bi-partisan study (in pdf) on voter fraud conducted by the Election Assistance Commission concluded only that the issue has "created a great deal of debate among academics, election officials, and voters" and noted that "past studies of these issues have been limited in scope and some have been riddled with bias."

But that mild conclusion proved to be controversial. The New York Times reported that the editors of the report intentionally revised the findings of the primary authors to reflect the sentiments of White House officials (to view original draft report, in pdf, go [here](#)). In a statement released April 26, (statement [PDF]), Wang stated "It has been my desire to participate in this discussion and share my experience as a researcher, expert and co-author of the report. ...Unfortunately, the EAC has barred me from speaking." Wang continues, "As numerous press reports indicate, the conclusions that we found in our research and included in our report were revised by the EAC, without explanation or discussion with me, my co-author or the general public. ...From the beginning of the project to this moment, my co-author and I have been bound in our contracts with the EAC to silence regarding our work, subject to law suits and civil liability if we violate the EAC-imposed gag order."

There has been little prosecution of fraudulent voting. Since 2000, the Justice Department has charged only 120 people of fraudulent voting. Eighty-six were convicted. This low level of prosecution been cited by some as a possible explanation for the firing of eight U.S. attorneys by Attorney General Alberto Gonzales.

WILL NEW REQUIREMENTS DETER VOTERS?

Advocates for minority communities argue that even minimal identification requirements can disenfranchise eligible voters, because people of color and immigrants are more often subjected to requests for identification, either properly or improperly.

According to the Asian American Legal Defense Fund overzealous poll workers have been improperly implementing identification requirements at voting places in recent elections, and minority voters and voters with limited English are the groups most often asked for identification when it is not actually required.

Research also suggests that Latinos, African Americans, and Asian Americans are less likely to vote when required to show identification than when they simply have to state their names.

In the February Special Election in Nassau County to fill a vacant State Senate seat, voting rights groups became alarmed that there might be widespread voter intimidation at the polls because of comments by Joseph Mondello, the Republican Party Chairman for New York State and Nassau County. "Our poll watchers and election inspectors will challenge people to show some kind of identification as to who they are," Mondello reportedly said. "They have a right to ask for identification to make sure you are John Smith. Our people have been cavalier about this in the past. This time, in this election, we're deeply concerned."

THE NEED FOR VOTER EDUCATION

To avoid confusion at the polls and the disenfranchisement of voters, election reform advocates have argued for years that New York City, with such a large and diverse population, has to be sensitive to a wide array of voter needs that other localities might not need to consider.

City residents, for example, are less likely to drive or own a car than their suburban and rural counterparts, and therefore are less likely to hold a driver's license.

The personal and cultural experiences of many of New York City's immigrants, some argue, should be taken into consideration. For instance, a significant portion of New York's immigrants come from oppressive regimes where identification cards were used by authorities as a form of intimidation.

Members of these communities may be less likely to carry identification, or to provide it on demand, especially if it is not legally required.

Unfortunately many voters are unaware of their rights. And so some voters who are asked to show identification may simply decide to leave the polling station and not return. While New York may not have the strict identification requirements that other states have, some experts fear that the misuse of HAVA identification requirements, especially when it results in the disenfranchisement of a voter, could damage long and short term voter participation among minority and non-English speaking voters.

The New York City Board of Elections has been urged to increase poll worker training and voter education, to ensure that poll workers and voters are aware of the HAVA requirements and their rights. With the eventual introduction of new voting machines and processes, poll workers will be asked to perform more services for voters and voters will be less familiar with the process.

In the coming years, overall and training and education will become more important for the Boards of Elections. Election reform advocates, civic groups and community organizations will be asked to play a significant role in educating voters as well.

Doug Israel is director of public policy and advocacy for Citizens Union Foundation, which publishes Gotham Gazette. Andrea Senteno is program associate.

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National

The voter fraud scam (Roanoke Times editorial; EAC mentioned)

Roanoke Times
Editorial
April 27, 2007

Where Republican operatives see conspiracies to rig elections, researchers do not.

The Bush Justice Department has something of an obsession with voter fraud. At least two of the federal prosecutors it booted out of office last year had not pursued such cases vigorously enough to satisfy Republican politicians or party officials.

The bigger fraud, though, is an Election Assistance Commission report last year indicating GOP assumptions about pervasive voter fraud are debatable when, in fact, researchers found little evidence of it across the country.

Last April, White House political operative Karl Rove went so far as to assert in a speech to Republican lawyers: "We're, in some parts of the country, I'm afraid to say, beginning to look like we have elections like those run in countries where the guys in charge are colonels in mirrored sunglasses."

Yet, The New York Times reports, a five-year, nationwide crackdown on this alleged danger to the republic netted only about 120 charges and 86 convictions as of last year.

Rather than broad conspiracies to subvert the will of the people, the research found mainly individual violations of election laws that previous Justice Departments would not have prosecuted. Often, the violations were the result of mistakes.

The newspaper cites the example of a onetime jewelry store owner in Tallahassee, Fla., a Pakistani living legally in the U.S. for more than 10 years, who filled out a voter registration form at the behest of a clerk at the division of motor vehicles. He didn't know he had to be a U.S. citizen.

Now he and his wife and daughter, both U.S. citizens, are living in Lahore, Pakistan.

In a few states, The Times reported, U.S. attorney's offices "did turn up instances of fraudulent voting in mostly rural areas. They were in the hard-to-extinguish tradition of vote buying, where local politicians offered \$5 to \$100 for individuals' support."

Or beer, or cigarettes, or pork rinds, the price for votes three years ago in Appalachia's town elections in far Southwest Virginia.

Rove should be relieved that the conspirators were convicted. None, as far as we know, wore mirrored sunglasses.

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National
Dianne Feinstein: Ensuring every vote counts in elections

By Dianne Feinstein
Sacramento Bee
Special To The Bee
Published 12:00 am PDT Sunday, April 22, 2007

The 2006 vote count in Sarasota County, Fla., exposed major weaknesses in our nation's voting system. Nearly 240,000 voters cast ballots on Nov. 7. But when their votes were tallied, things didn't square up: There were 18,000 fewer votes in the 13th Congressional District than were recorded in other contests on the same ballot.

So-called undervotes occur in every election. But the rate of undervotes on Sarasota County's touch-screen machines was five times the rate seen on absentee ballots in the same contest.

Clearly, something went wrong. Was it a software glitch? Did poor ballot design lead voters mistakenly to overlook the congressional race? Was there tampering? We don't know. After an investigation, Florida election officials say software was not to blame. But other experts say machine failure cannot be ruled out.

In the end, Republican Vern Buchanan was declared the winner over Democrat Christine Jennings, by only 369 votes. Thousands of votes were never recorded. And since the machines were not equipped to provide a paper trail that could be verified by the voters, we may never know what the true count was.

This sort of uncertainty is unacceptable. That's why I am introducing legislation to reform our nation's voting systems. The Ballot Integrity Act would:

- Require that all voting systems used in federal elections have a voter-verified paper trail, and ban the purchase of new voting systems that do not provide a paper trail.
- Establish a \$600 million grant program to help states purchase voting systems equipped to produce a voter-verified paper trail.
- Create a \$3 million competitive grant program to develop a voting system with a voter-verified paper trail, with full accessibility for the disabled.
- Require random public audits of electronic voting tallies, and open voting system software to inspection by independent computer analysts.

- Require that all voting places offer emergency paper ballots in case of system failures or delays.

These changes are critical to ensuring that every vote counts. To leave things as they stand today is to invite trouble.

The danger is real. In last year's midterm elections, one-third of voters -- 55 million Americans -- cast ballots on electronic voting systems. Some jurisdictions have machines that leave a voter-verified paper trail; others do not.

In Sarasota County's 13th Congressional District, recounts were conducted, but they were essentially pointless. That's because the recount there simply entailed tallying the same electronic record again. And so the same flawed result was produced, with no way to find out why 18,000 votes went missing.

Inaccurate election tallies are an urgent problem, but so far they have not been addressed adequately. It has been more than four years since the Help America Vote Act, to reform federal elections, was passed by Congress and signed into law. But experts have identified several serious issues:

- The nonpartisan Election Reform Information Project found that new electronic voting machines may lack necessary security safeguards, and that statewide voter registration databases may not be accurate.
- In two studies in 2006, the Brennan Center for Justice, at the New York University School of Law, found more than 120 security threats to voting machines. The Brennan Center also found a notable lack of scientific study of voting system cost, security and accessibility -- especially for disabled voters.

The problems in Sarasota County are a warning that must be heeded. If similar problems had occurred in the last election in Montana or Virginia -- states with tight U.S. Senate contests -- control of the Congress might have been unclear.

The good news is that some states are beginning to act. Florida Gov. Charlie Crist has announced plans to replace touch-screen voting systems with paper ballots counted by scanning machines. Other states are considering similar plans.

These are moves in the right direction. But they are not enough. We must have uniform national voting standards.

The stakes are high. Inaccurate vote counts erode voter confidence. And if voters lose faith, they may give up on voting altogether.

Voting is fundamental to our democracy and is guaranteed by the Constitution. But the right to vote is diminished if we don't count the vote accurately. It is imperative that Congress ensures that voter choices are recorded accurately, free from error or mischief.

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National
Voter Fraud and the EAC (Dan Tokaji)

Dan Tokaji
Associate Director, Election Law @ Moritz
Equal Vote Blog
April 26, 2007
tokaji.1@osu.edu

The last few weeks have seen some very important developments in the ongoing debate over voter fraud. Just today, there's news that exacerbates concern about the role of the federal government in suppressing

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important information on this debate.

The most recent flurry of attention began with *New York Times* stories earlier this month, available [here](#) and [here](#). The first story concerned actions of the Election Assistance Commission (EAC), which significantly "revised" a report on voter fraud and intimidation prepared by two election experts, one from either side of the political spectrum (more on this below). The original expert report found widespread but not unanimous agreement that there's little voting fraud; the EAC's revised version made it appear that there's greater doubt over the prevalence of fraud.* The second report concerned the meager results of the Bush Justice Department's crackdown on voter fraud in the past few years, something that suggests that claims of voter fraud made by Karl Rove and others (see [this video](#)) are considerably overblown. McClatchy News had [this report](#) last week, which thoroughly examines the Justice Department's voter fraud initiatives, and its connection to the debate over voter ID.

The most recent news is [this statement](#) from Tova Wang of The Century Foundation, one of the co-authors of the EAC-commissioned report on voter fraud. Ms. Wang's statement calls for "an end to the censorship" by the EAC. It's worth quoting in full:

Over the last few weeks, there has been a developing controversy in the press and in the Congress over a report on voter fraud and voter intimidation I co-authored for the Election Assistance Commission ("EAC"). It has been my desire to participate in this discussion and share my experience as a researcher, expert and co-author of the report. Unfortunately, the EAC has barred me from speaking. Early last week, through my attorney, I sent a letter to the Commission requesting that they release me from this gag order. Despite repeated follow-up, the EAC has failed to respond to this simple request. In the meantime, not only can I not speak to the press or public -- it is unclear under the terms of my contract with the EAC whether I can even answer questions from members of Congress.

My co-author and I submitted our report in July 2006; the EAC finally released its version of the report in December 2006. As numerous press reports indicate, the conclusions that we found in our research and included in our report were revised by the EAC, without explanation or discussion with me, my co-author or the general public. From the beginning of the project to this moment, my co-author and I have been bound in our contracts with the EAC to silence regarding our work, subject to law suits and civil liability if we violate the EAC-imposed gag order. Moreover, from July to December, no member of the EAC Commission or staff contacted me or my co-author to raise any concerns about the substance of our research. Indeed, after I learned that the EAC was revising our report before its public release, I contacted the EAC, and they refused to discuss with me the revisions, or the reasons such revisions were necessary.

Stifling discussion and debate over this report and the critical issues it addresses is contrary to the mission and goals of the EAC and to the goal of ensuring honest and fair elections in this country. Commissioner Hillman stated in her defense of the EAC's actions that the EAC seeks to "ensure improvements in the administration of federal elections so that all eligible voters will be able to vote and have that vote recorded and counted accurately." I share this aspiration. But I believe that the best way to achieve that end is not by suppressing or stifling debate and discussion, but by engaging in a thoughtful process of research and dialogue that ultimately arrives at the truth about the problems our voting system currently confronts.

Ms. Wang's statement raises profound concerns about the role of the EAC and, more broadly, the federal government when it comes to hot-button issues like voter fraud. The EAC is supposed to serve as a sort of clearinghouse for research on important election administration issues. It is structured as a bipartisan agency, with two Republicans and two Democrats, but requires a majority to take any action -- including, it would seem, the release of research it's commissioned. I've previously expressed concern, [here](#) and [here](#), about the EAC's two newest commissioners. My worry was that, instead of working to promote a better-functioning election system, they'd see their role as promoting the interests of their party. The latest developments magnify these concerns.

All of this raises major questions about the role of the federal government when it comes to election administration. I must confess that I started out as someone with high hopes for the EAC, believing that it could serve a useful role in promoting better election administration. And I still believe that some of the things that the EAC has done some good things in its first few years, including its 2004 Election Day Survey and its opinion letter last year on Arizona's registration requirements. The latest developments cannot help but make one wonder, however, whether the EAC as presently structured can serve its intended function adequately.

At the same time, leaving election administration to the states isn't a very palatable option. We've seen serious questions about partisan manipulation of elections by elected secretaries of state in the last two presidential election cycles. State efforts to impose new barriers to participation -- most notably the stringent ID requirements enacted in Georgia, Indiana, Missouri, and Arizona -- also raise serious doubts about whether election administration can be left to the states. As Rick Hasen suggests here, this is an area where the courts should step in to protect voters' rights, though I'm not particularly sanguine about the prospects for salutary intervention by the Supreme Court in this area for reasons explained here.

In sum, the voter fraud debate highlights serious problem of institutional responsibility over election administration. It concerns not only what role the federal, state, and local governments should play in administering elections, but also the proper divisions of authority among branches at each level. It's a tough problem, one that I don't presently have an answer to.

* Disclosure: I was part of a research team, led by the Eagleton Institute of Rutgers University, that prepared separate reports for the EAC on provisional voting and voter ID.

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National

HAVA Amendment Buried in Iraq Bill? (changes 102 funds deadline Pages 12 and 186)

Rick Hasen
Professor of Law Chair
Loyola Law School Los Angeles
Election Law Blog
April 26, 2007

CHAPTER 3
GENERAL PROVISIONS—THIS CHAPTER
SEC. 4301. (a) Section 102(a)(3)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15302(a)(3)(B)) is amended by striking "January 1, 2006" and inserting "March 1, 2008".
(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

CHAPTER 3
GENERAL PROVISIONS—THIS CHAPTER
Section 4301. The conference agreement modifies a provision proposed by the House (section 4301) to amend section 102(a)(3)(B) of the Help America Vote Act of 2002 by striking "January 1, 2006" and inserting "March 1, 2008". The Senate bill did not include similar language.

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National

Author of 'Armed Madhouse' cites concerns for 2008 race (cites EAC stats on votes not counted)

Oregon Daily Emerald

By: Joshua Bolkan

Freelance Reporter

Posted: 4/27/07

Wednesday night Greg Palast, author and journalist for the British Broadcasting Corporation, spoke to an enthusiastic crowd of about 300 students and community members in 180 PLC.

Palast, whose most recent book is "Armed Madhouse: From Baghdad to New Orleans - Sordid Secrets and Strange Tales of a White House Gone Wild," focuses primarily on his belief that the 2000 and 2004 presidential elections were corrupt and his concern that the 2008 election will be similarly tainted.

Using numbers from the United States Election Assistance Commission, Palast said that in 2004 more than 150,000 votes were not counted in Ohio, and Republicans challenged more than 3,000,000 nationwide - primarily in districts with high populations of minority voters.

Switching sources to the United States Commission on Civil Rights, he also claimed that black voters had a 900 percent higher chance of having their votes rejected than white voters, while Latino votes were 500 percent more likely to be thrown away.

To make his case that the Bush administration stole the 2004 election, Palast relied heavily on e-mails written by Karl Rove, President Bush's deputy chief of staff.

One of the most damaging e-mails was a list of names that Rove's office claimed were donors to George Bush's 2004 presidential campaign, but the address listed for many people on the list turned out to be a homeless shelter. Palast then took the list to a group of lawyers who specialize in election law and they told him it was a caging list.

Caging is an illegal technique used to suppress opposition votes.

When caging, a political group compiles lists of names of registered voters they think will vote for an opposing candidate. They then send a piece of mail to each of those names requiring a signature. If the mail is not signed, it can be used to challenge that person's registration, possibly invalidating their registration altogether. This effectively steals a person's right to vote without them even knowing until they try to submit their ballot. Palast said this could block the vote of - among others - students studying abroad, people serving overseas in the military, people living in homeless shelters, or people who just don't want to sign for a strange letter.

Palast said that the majority of people on this list were minorities who are several times more likely to have their votes discarded than white Americans.

Palast moved into a brief talk about the role of oil in the Iraq war.

He explained that the real goal was to go into Iraq and "turn off the spigot," saying that if the supply of oil was reduced, the price of gas would go up.

To end his lecture, Palast told the audience that he didn't have many solutions for the problems facing America. He said that all he could do was find the facts and report them, but that the American media are not covering these stories. As a result, he hasn't copyrighted "Armed Madhouse," and he encouraged the audience to disseminate pieces of it any way that they could.

"Take the section on No Child Left Behind," he said, "and send it to every teacher you know."

Audience member and local jazz musician Mary Elizabeth Holby said, "That's amazing. You can put it on your MySpace page or blow it up and paste it to telephone poles."

Graduate student Frederik Kohlert was dismayed by the lack of hands that went up when introductory speaker and radio host Alan Siporin asked how many students were in the audience.

"I think Alan made an interesting point that there were almost no young people," Kohlert said - "that's scandalous. We're on a college campus in what's supposed to be a progressive state."

Freshman Darcy Basque described the lecture as shocking.

"This stuff about all the votes being thrown away because people were overseas really hit home because I have a friend who's about to be sent back (into overseas military service) in September even though she's supposed to be out in August."

The proceeds from the event will be donated to the Common Ground Collective, a nonprofit group that helps victims of Hurricane Katrina.

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National
White House held GOP prospect briefings (Hatch Act, GSA and other agencies)

By DEB RIECHMANN
Associated Press Writer
April 26, 2007

WASHINGTON (AP) -- The White House acknowledged Thursday it has conducted about 20 briefings for federal employees on the election prospects of Republican candidates - the sort of meetings that have led to an investigation into administration political activity.

An independent investigative unit, the U.S. Office of Special Counsel, this week began a probe into a presentation by Bush aide J. Scott Jennings to political appointees at the General Services Administration. At issue is whether the January session violated the federal Hatch Act, which bars federal employees from engaging in political activities with government resources or on government time.

The Office of Special Counsel, led by Scott Bloch, is in charge of enforcing the Hatch Act. At the same time, Bloch himself is being investigated by the Bush administration on separate matters, including his enforcement of the Hatch Act.

White House spokesman Scott Stanzel said briefings were held at other federal agencies besides the GSA, for a total of about 20 - most in 2006 and a couple in 2007. They were conducted by White House political director Sara Taylor or Jennings, her deputy. It had been known that other briefings had been held, but not how many.

Others were held in previous years as well, but Stanzel said the White House hasn't kept a count of how many.

Bush spokeswoman Dana Perino said no laws were broken and that the White House counsel's office signed off on the effort.

"It's not unlawful and it wasn't unusual for informational briefings to be given," Perino said. "There is no prohibition under the Hatch Act of allowing political appointees to talk to other political appointees about the political landscape in which they are trying to advance the president's agenda."

She added: "These briefings were not inappropriate, they were not unlawful, they were not unethical."

Some Democrats beg to differ.

They have alleged that at the end of the January presentation at GSA, Administrator Lurita Doan asked all present to consider how they could use the agency to "help our candidates" in 2008. They also question whether the PowerPoint demonstration Jennings used violated the Hatch Act.

At the same time that Bloch is investigating the White House, the Bush administration is investigating Bloch for his handling of Hatch Act cases - as well as a complaint filed against Bloch by a group of career Office of Special Counsel employees and four public interest groups.

The complaint alleges that Bloch created a hostile work environment with retaliatory acts against his employees. It states that 12 career employees were involuntarily reassigned because they were believed to have been involved in whistle-blowing. The complaint, being handled by the Office of Personnel Management's inspector general, also alleges that Bloch did not enforce bans against discrimination based on sexual orientation in the federal work place.

"The OPM investigation is a completely separate matter," said Loren Smith, a spokesman for Bloch, who has denied the allegations in the complaint.

Debra Katz, an attorney representing the employees, alleged that Bloch launched the investigation into political activity at the White House because he feared repercussions from the investigation of his own activities.

The White House would find it difficult to fire Bloch if he is leading an investigation into the White House, she suggested in a letter to White House counsel Fred Fielding. The letter, released on Thursday, asks that Bloch be required to recuse himself from the White House investigation, and that it be reassigned to another government inspector general.

Smith, the Bloch spokesman, denied that the decision to begin the investigation was a response to the probe of Bloch. "This is about complaints that have come before our agency," Smith said. "We would deserve criticism if we didn't investigate."

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National

It's Time To Outlaw Paperless Electronic Voting in the U.S. (EAC mentioned)

By David L. Dill
VerifiedVoting.org
Vote Trust USA
April 26, 2007

Four years ago, when I began publicly opposing paperless electronic voting, passing a Federal law to require voter-verified paper records (VVPRs) seemed an impossible dream. Rep. Rush Holt introduced such a bill in 2003, and another in 2005, but both bills languished in committee until the clock ran out.

The dream is now achievable, due in part to the unending stream of problems caused by paperless voting machines in recent years. HR 811, the third incarnation of the Holt bill, is a critical measure needed to protect the integrity of our elections, and it now has very good prospects of being enacted. It already has 210 co-sponsors in the House, where only 218 votes are required to pass it.

There are two provisions in HR 811 that are especially vital for restoring trust in American elections: A nationwide requirement for voter-verified paper records, and stringent random manual counts of those

records, to make sure they agree with the announced vote totals. The requirements in the Holt bill are superior to those in almost every state of the country (there are now 22 states with significant amounts of paperless electronic voting, and only 13 states require random audits of VVPRs).

Success is not assured, however. The forces that have blocked previous bills are still active, especially vendors of current poorly performing equipment. Also, various concerns, reasonable and otherwise, have been raised about the bill by other parties.

Some groups insist on optical scan machines, which read and count hand-marked paper ballots, and are not supporting HR 811 because it still allows the use of touch-screen machines. However, under HR 811, those machines must be equipped with so-called voter-verifiable paper trails, which print a paper copy of the vote that can be reviewed by the voter before being cast. Most of the current generation of inferior paper-trail machines would not be allowed under HR 811, which requires the machines to preserve the privacy of voters and requires the VVPRs to be printed on high-quality paper. This will create a strong incentive for local jurisdictions to purchase optical scan equipment. Furthermore, HR 811 makes the paper records the official ballots of record in audits and recounts, and requires election officials to post a notice explaining to voters the need to verify their VVPRs.

I would personally prefer to see optical scan machines be used nationwide, if supplemented by equipment to allow voters with disabilities to vote privately. If groups objecting to HR 811 can cause such a bill to be introduced and line up the votes in Congress to get it passed, that bill will have my support. Meanwhile, those of us who have actually talked to Congressional staff have not seen any significant support for such a requirement. It seems that we have a choice between HR 811 or continuation of our current "Kafka-esque" paperless system (as a French politician recently described it).

Another small but noisy contingent is opposing HR 811, sometimes without revealing their true agenda, because they will be satisfied only with a nationwide system of hand-counted paper ballots. In theory, we could adopt hand-counting of all ballots. However, hand counting is rarely used now. It is politically unrealistic to believe that the overwhelming number of jurisdictions that have been using automated voting in various forms for 40 years or more are going to go back to hand counting. HR 811 does not prevent hand counting for those communities who want to do it, but it provides a realistic solution for the rest of us.

Some are troubled by the role of the Federal Elections Assistance Commission (EAC) under the bill. Like many others, I, too, lack confidence in the EAC as currently configured. But HR 811 gives only minimal responsibilities to the EAC. I can live with that if the other provisions of the bill are enacted.

Finally, election officials have expressed concern over whether the time frame of HR 811 is feasible. On the one hand, I want passionately to avoid potential meltdowns in the 2008 general election, and I am not convinced that the possibility of simply purchasing optical scan equipment has been adequately considered by those jurisdictions currently using paperless electronic voting. On the other hand, it is obviously necessary to allow adequate time for implementation of the bill. Congress has heard all sides of this argument, and I am confident that they will strike the right balance. If the implementation date needs to be extended, I hope it will be done in a way to encourage earliest possible elimination of paperless electronic voting, so that the maximum number of voters will be protected in 2008.

HR 811 will no doubt change as it travels down the long, winding legislative road. With some luck, the bill will survive with the key provisions intact, and may even improve.

A good bill that becomes law is better than a great bill that doesn't. HR 811 will start moving soon. Please ask your U.S. Representative to support it.

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Texas

Homer says no to voter ID bill (EAC mentioned)

By Mary Madewell
The Paris News
April 26, 2007

State Rep. Mark Homer, D-Paris, has voted against House Bill 218, a bill requiring voters to present photo identification at the polls.

"I voted against a bill that would substantially decrease voter participation in Texas," the District 3 lawmaker said, noting the bill is an "assault on Texans' voting rights."

The bill, opposed by leaders of AARP, the League of Women Voters and other groups, passed the House on a 76-69 vote.

"The facts show we do not have a voter impersonation problem or voter fraud epidemic in this state," Homer said. "This is part of an effort to keep seniors, minorities and low income voters from voting, which is almost 60 percent of my district!"

If House Bill 218 passes in the Senate, it would require voters to present a photo ID card plus a valid voter registration card to vote.

"As a practical matter, this requirement would disenfranchise thousands of elderly and minority Texans by denying the right to cast a ballot that counts," Homer said.

In 2006, Brennan Center for Justice found 25 percent of African Americans, 18 percent of seniors 65 or older, and 15 percent of voters earning under \$35,000 a year do not have government-issued photo identification.

For many seniors and working families, getting a photo ID takes time, money and mobility that others may take for granted, Homer said. A study commissioned by the Federal Election Assistance Commission, conducted by researchers from Rutgers and Ohio State Universities, also found in 2004 states with voter identification laws have experienced a turnout drop of 3 percent, with a 5.7 percent drop in African American voters and a 10 percent drop in Hispanic voters.

Homer cites a recent article by Royal Masset, long time Republican consultant and avid opponent of the House bill.

"The most credible recent study on illegal voting in Texas was done by Attorney General Greg Abbott last year. As best I can determine, he found no cases of illegal aliens casting votes with fraudulent registration cards. At best maybe five illegally cast votes he found could have been prevented because of HB 218, though I suspect the real number would have been zero," Masset stated.

"HB 218 is a poll tax, since photo IDs are not free," Homer argued. "I thought we ended the poll tax 40 years ago."

"I am saddened that the House leadership has allowed partisanship to trump support for our basic constitutional rights," Homer said. "This bill will particularly hurt seniors, and it will excessively burden many Texans, effectively limiting their right to vote."

Another attempt to deny voting rights to Texans, House Bill 626, has been postponed until Monday, Homer said. He said that legislation would literally end voter registration as we know it today by requiring every person who registers to provide "proof of citizenship" in the form of a certified copy of a birth certificate (\$23 cost), citizenship papers (\$200) or a valid passport, mailed in a business reply envelope.

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The days of voter registration tables, door-to-door drives and postcard registration would become a thing of the past, possibly in violation of federal law, Homer said.

"It is extremely disappointing that the Texas House would support legislation making it more difficult for honest citizens to exercise the rights that so many have sacrificed so much to protect," Homer said. "I hope the Senate will show better judgment."

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Also included below is the weekly summary of election reform news and opinion that appears in electionline.org today.

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— Forwarded by Bryan Whitener/EAC/GOV on 04/27/2007 10:46 AM —



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Subject electioline Weekly— April 26, 2007

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I. In Focus This Week

Rep. Juanita Millender-McDonald remembered as 'voice of reason'
Colleagues, election officials recall trailblazing lawmaker

By [Kat Zambon](#)
electionline.org

Election officials and members of Congress this week remembered Rep. [Juanita Millender-McDonald](#), D-Calif., as a passionate advocate for election reform particularly in her role as chair of the Committee on House Administration.

Millender-McDonald died Sunday in her Carson, Calif. home, less than two weeks after requesting a leave of absence to seek treatment for colon cancer.

"It was indeed devastating to learn of Juanita's death. We were on a first-name basis and spoke frequently - most recently on March 22 prior to the next day's House Elections Subcommittee hearing where she read into the record my letter to her opposing [H.R. 811](#)," said Conny

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McCormack, Los Angeles County registrar-recorder/county clerk. "She was a voice of reason in this highly-emotionally charged debate [about] election "reform" making her loss all the more incalculable. I have several photos in my office of us together over the past few years and will always hold her memory in the utmost respect."

Millender-McDonald was recently re-elected to represent California's 37th district. As control of Congress changed from Republican to Democrat, Millender-McDonald was promoted from ranking member to committee chair in the Committee on House Administration, which is charged with the oversight of federal elections.

Soon after becoming committee chair, *The Hill* reported that Millender-McDonald wrote a letter to Congress requesting the remaining \$800 million that had been authorized but not yet appropriated for the Help America Vote Act (HAVA).

She held a number of hearings on election reform issues, mostly focusing on the specifics of H.R. 811, the updated version of a bill authored by Rep. Rush Holt, D-N.J., requiring, among other things, electronic voting machines to produce voter-verified paper audit trails. Earlier this year, she hosted an expo for voting machine vendors in the House Administration Committee's hearing room, to help members of Congress better understand the voting machines in question in legislation considered by the panel.

"America has lost a passionate advocate of free and fair elections," a statement on the committee's Web site said.

"Congresswoman Millender-McDonald and I have been good friends who have worked well together since she was elected. I have always admired her passion both as Chairwoman of the House Administration Committee, and in representing California's 37th District," Rep. Vernon Ehlers, R-Mich., Committee on House Administration ranking member said in a statement.

Millender-McDonald was the first black to serve on the Carson City Council, the first Democratic chair of the Congressional Caucus for Women's Issues and the first black woman to chair a Congressional committee, the Baltimore Times reported.

"Juanita Millender-McDonald was a trailblazer, always advocating for the full participation of all Americans in the success and prosperity of our country," House Speaker Nancy Pelosi said.

Pelosi assigned Rep. Robert Brady, D-Pa., to serve as committee chair after Millender-McDonald requested to take a leave of absence.

However, Brady is seeking the nomination for mayor of Philadelphia in a five-way primary scheduled for May, *Northeastern Pennsylvania News* reported. Rep. Zoe Lofgren, D-Calif., is next in line for committee chair should Brady be unable to serve.

California Gov. Arnold Schwarzenegger (R) is expected to call a Special Vacancy Election next week which will trigger an election to fill Millender-McDonald's seat in late June.

The rules of the special election call for all candidates to run on a single ballot. If a candidate does not receive at least 50 percent of the vote, the top two vote getters will face off in another special general election in late August.

The funeral is scheduled for April 30 in Los Angeles. Aides to Democratic leaders said that it was likely that no votes would be scheduled for that day to allow members to attend the funeral where Pelosi will offer a eulogy according to Congressional Quarterly. Millender-McDonald is survived by her husband, five children and several grandchildren.

International elections present different challenges

Nigerians face fraud, French try electronic voting, and Bhutanese prepare for first vote

By Kat Zambon
electionline.org

Observers in Nigeria hope that 2007 will mark the first time one democratically elected president transfers power to another as President Olusegun Obasanjo prepares to leave office at the end of his second term.

However, getting to that day in May when Obasanjo takes his leave and a new president is sworn in has been anything but a peaceful process including the actual presidential election on April 21.

Election observers from the E.U., Human Rights Watch, the International Republican Institute and the National Democratic Institute state that they saw widespread fraud, intimidation and violence during the election.

Dave Peterson, senior director of the Africa program for the National Endowment for Democracy (NED) observed the April 21 presidential elections in Bauchi State in northern Nigeria.

Peterson pointed out that the lack of serial numbers on the ballots was one reason why many polling places did not receive as many ballots as they needed. Elections officials eventually determined that each stack contained 100 ballots but "it was very difficult to distribute them," Peterson said.

Because the ballots didn't arrive in Nigeria until the night before the election, officials delivered ballots the day of the election and polls didn't open on time. When polls finally did open, poll workers found that voter registration lists weren't alphabetized, making it hard to check in voters. As long lines formed, poll workers began giving ballots to voters who showed their registration cards, though some voters were turned away because poll workers couldn't find their names in the book.

"The shame is that the national INEC [Independent National Electoral Commission] officials, and really the government itself failed the Nigerian people," Peterson said. "Nigeria can do a lot better than this, that's what's so frustrating. It's got the resources, it's got the educated people,

there's no reason it couldn't put together really good elections. It's the great shame of West Africa."

A post-election report by Human Rights Watch (HRW) detailed incidents that included late opening polls, supply shortages, vote buying, and the seizure of ballot boxes by gangs of thugs.

Among the problems noted on Election Day:

- Some ballot boxes never made it to the polls and wound up at the home of the local government chair, who said polls closed early because of "the massive enthusiasm of the voters." Tally sheets returned showed high turnout with as many as 100 percent of votes going to the ruling People's Democratic Party (PDP).
- Voters were not afforded privacy when voting was allowed and PDP members watched over voters' shoulders as they filled out ballots.
- In Daura, home to presidential candidate Gen. Muhammadu Buhari of All Nigeria's People Party (ANPP), riots began when polling places only received half the supplies needed. Businesses and homes owned by PDP members were burned, two people were killed and six were injured.
- In Yamaltu Deba, INEC and PDP officials provided supplies for the polling places but kept the results sheets, which are the only official record of the results.
- There was no voting in the Gombe state until 3 p.m. because materials arrived late. Six polling places were open for no more than an hour. In one polling place, residents said that no more than 130 people had voted while the results sheet showed that 900 votes were cast, 876 of which went to PDP.
- While an electoral officer who was supposed to be monitoring the collation of final results slept in his office, PDP and INEC staff filled in results sheets.
- Opposition party supporters and officials were arrested without being charged before and during Election Day.
- In a Katsina polling place, a police officer who tried to stop the theft of a ballot box was beaten with his own club.

In a statement, the National Democratic Institute said, "In many places, and in a number of ways, the electoral process failed the Nigerian people. As a result at this stage it is unclear whether the April 21 elections reflect the will of the Nigerian people."

Researchers are concerned that Nigerians are growing increasingly frustrated with democracy's failure to solve the country's problems due to corruption among politicians. According to Afrobarometer, a polling service that measures African attitudes, satisfaction with democracy fell to 25 percent in 2005 from 84 percent following Obasanjo's first election in 1999.

In some ways though, signs are improving for democracy in Nigeria. Last year, Obasanjo was prevented from rewriting the constitution to allow him to run for another term. Also, a court decision allowed Atiku Abubakar, the current vice president and Action Congress Party's candidate for president to be placed on the ballot after INEC had initially blocked his bid.

However, the late addition of Abubakar to the ballot led to ballots being printed with only party

symbols, not the candidates' names or the ballots' serial numbers, which help prevent fraud. In a post-election television address April 23, Obasanjo understated the situation.

"Our elections could not have been said to have been perfect," he said, suggesting that those who believe the elections were mishandled "should avail themselves of the laid-down constitutional procedure for seeking redress in electoral matters." Ken Nnamani, senate president, also encouraged the aggrieved to go through the legal system.

On April 24, the Coalition of Opposition Presidential Candidates and Political Parties (COPP) asked Nnamani to serve as executive after Obasanjo leaves office May 29 and disband the INEC in preparation for a re-vote. Umaru Yar'Adua, a member of PDP and the president-elect has reached out to Buhari and Abubakar.

"The contest has come and gone. So should our differences . With the elections now behind us, I urge you to join hands with us as we seek to build our country," he said.

French voters bid adieu to Chirac, bonjour to electronic voting

A day after voters went to the polls in Nigeria, round one of the presidential election was held in France.

Although much of the news after the April 22 election focused on the differences between the two winning candidates, the recent elections also marked the first time French voters used paperless electronic voting machines to cast ballots for president.

As many as 1.5 million of 43 million eligible voters used the machines, which were legalized in 2004 and have since been installed in 82 of 36,000 voting districts according to the International Herald-Tribune .

French voters reported waiting in line for up to two hours to cast ballots electronically and many voters walked away in disgust, though some said that lines were long because of the high turnout. After the elections, the Socialists, Communists and Green Party members called the deployment of the new voting machines "a catastrophe," according to The Register .

A Web site by French citizens concerned about electronic voting, ordinateurs-de-vote.org explained that certified electronic voting machines in France come from three different vendors - Nebraska-based ES&S, Nedap, a Dutch company, and Indra, a Spanish manufacturer.

In a March 30 statement calling for a moratorium on e-voting, the Socialist Party pointed out that machines made by Nedap and ES&S have had problems in other countries where they have been used, The New York Times reported.

Pierre Bascoulegue said that he went to vote in Issy-les-Molineaux near Paris twice and left both times because it took too long. "I just don't trust these machines," he said.

Paul Verlaine University researchers found that four out of seven voters aged 65 and older could

not cast ballots on two of the three types of machines used in the election according to Agence France-Presse .

"It's total chaos, we don't understand anything," Suzanne Antoine, a 70 year-old voter in Reims said. "I managed to finish but I prefer the way it was before."

The interior ministry said that there haven't been any problems with the voting machines since they were first used in 2003.

Before French citizens started using electronic voting machines, they simply filled out ballots and dropped them into a transparent ballot box, Richard Soudriette, International Foundation for Election Systems (IFES) president and CEO said.

"The French way of doing that [using a transparent ballot box] has really caught on in terms of elections all over the world," he said, particularly in emerging democracies where they "really embrace the idea . to ensure that boxes didn't arrive at the polling place already full."

Soudriette felt confident that French voters would easily adapt to electronic voting machines and pointed out that France was one of the first countries to experiment with internet voting and one of the first places where people used computers in their homes.

Winning candidates Segolene Royal, the Socialist Party candidate on the left (who would be the first female president if elected) and Nicolas Sarkozy, former interior minister and Union for a Popular Movement (UMP) candidate on the right will face off in a general election May 6.

Democracy coming to Bhutan

After Bhutan's king Jigme Singye Wangchuck announced plans to abdicate his throne and ordered parliamentary elections to be held next year, more than 125,000 citizens went to the polls April 21 in a mock election. Voters chose between fake political parties druk yellow, druk blue, druk green and druk red (the druk is a thunder dragon, Bhutan's national symbol).

In a country where citizens only recently received Internet access and where improvement is marked by an increase in gross national happiness, Voice of America reported that voters were unsure of what democracy means and asked if they have to pay to vote or if they will be punished for not voting.

The king is very popular and few see the need for change. But other voters are excited about what democracy has to offer though some haven't been impressed by the efforts at democracy seen in other South Asian countries.

"We've lived a very happy life under the king," Kensho, a farmer near Zhanglaka told The Christian Science Monitor . "I'll go to vote - I have a card. But I don't want one tiny thing to change."

Dasho Kunzang Wangdi, election commission chief, said that the purpose of the mock election

was to prepare people for the upcoming vote and ensure that voters know what to expect. "On the whole, [the] response is very good, people are very excited," Wangdi said.

India's election commission met with Bhutan's in December and provided \$2.3 million to help Bhutan with the mock vote according to the Daily Bulletin .

The election commission has sought volunteers to start political parties. Tshering Tobgay is a former civil servant starting the People's Democratic Party. "We are not starting a party because we have an ideology. We are not starting a party because we have a vision for a better Bhutan. We are starting a party because the king has ordered us," Tobgay said.

Kuensel Online, Bhutan's news Web site reported that voters walked to the polls in their best clothes and carrying their lunch. After asking a poll worker what to do in the voting booth, a voter asked, "But what color should I press?"

"Pick the color you like best," the poll worker answered. The voter soon left with a sheepish grin on his face.

Each druk came with a platform in the mock election - druk blue was anti-corruption and supported extending free health care and education, druk green for environmentally friendly development, druk red for industrialization and druk yellow for preserving and promoting Bhutan's culture and heritage.

Druk yellow won with more than 44 percent of the vote. Next month, druk yellow and druk red, which received 20 percent of the vote, will compete in a mock run-off on May 28.

II. Election Reform News This Week

- The rights of convicted felons to vote met with differing fates in statehouses this week. In Maryland, Gov. Martin O'Malley (D) signed legislation that will allow felons in the Old Line to register to vote as soon as their sentences are complete. Advocates told *The Baltimore Sun* that as many as 50,000 Marylanders could be eligible to vote once the law takes effect on July 1. State Republicans had called on the governor to veto the bill. In Colorado, a House Committee struck down a proposal that would have allowed felons still on parole to vote. The state's Attorney General and Secretary of State had argued that the proposal was unconstitutional. According to a local television station, the proposal had been added as an amendment to an annual technical clean-up bill.
- Texas this week took a major step toward becoming the next state to require voter ID at the polls when the state House approved a measure that would mandate either a photo ID or two forms of non-photo ID be presented before casting ballots. Voters without the required documentation would be allowed to cast provisional ballots. According to the *El Paso Times* , the bill is expected to receive final approval in the House and then move to the Senate for approval. The paper said the bill could be altered slightly to clarify that voters would not have to bring both their identify documents and a voter registration card to the polls.
- A state appeals court overturned a misdemeanor election fraud conviction in Racine

County, Wis. concluding that the defendant's "poor supervision" of voter registrars in 2004 didn't amount to a crime. While separate statutes make it a crime to falsify voter registration information and aid someone in doing so, the state provided no evidence that the defendant helped others submit false registrations, only that he didn't monitor those who did, wrote Judge Daniel Anderson in the seven-page opinion. Racine County District Attorney Michael Nieskes told the Rhineland Daily News that the ruling invalidates an earlier plea agreement and reinstates seven felony charges. Nieskes said he would seek a trial on those charges

- Although opinions differ over what caused more than 18,000 under votes in the race for the 13th Congressional District in Florida, one state lawmaker wants to clear up potential problems by giving voters a "choose not to vote" option in future elections. At the urging of Sen. Mike Brown, R-Bradenton, the Senate Ethics and Elections committee this week approved a measure that would offer voters that option in future elections. "It got so dirty and so ugly that I think some people just walked to the polls and said, 'You know what? I don't want to vote for any of these people. I'm just not happy. I don't like my choices,'" Bennett told *The [Lakeland] Ledger*. The House version of the bill (H.B. 387) has not yet been heard in committee, but Bennett said he is confident it will be heard on both floors before the legislative session ends May 4. Nevada ! is the only state where ballots carry a no-choice option.

III. Opinion This Week

National: Voter fraud, II, Primary dates, Department of Justice, Voting systems, EAC, Electoral College

Arizona: Voter ID

California: Election reform, E-voting Connecticut: Optical scan

Florida: Touch-screen machines, Optical scan, II Election reform

Maryland: National Popular Vote

Missouri: Voter registration

Ohio: Cuyahoga County

Texas: Voter ID, II, III, IV, V, VI, VII

Washington: Efficient elections

Wisconsin: Voter ID

Some sites require registration


IV. Job Postings

All job listings must be received by 12 p.m. Eastern on Wednesday for publication in our Thursday newsletter. Job listings are free but may be edited for length. Whenever possible, include Internet information. Please email job postings to mmoretti@electionline.org

electionline Weekly and electionline.org ALERTS are produced by the staff of electionline.org , a non-partisan, non-advocacy research effort of The Pew Charitable Trusts. More information about the Project and up-to-the-minute news on election reform throughout the week can be found at electionline.org .

To unsubscribe from this and future messages from electionline.org, please click here .

Donetta L.
Davidson/EAC/GOV
04/27/2007 04:06 PM

To Elieen L. Collver/EAC/GOV@EAC
cc
bcc
Subject Re: memo 

I am on my way back

Sent from my BlackBerry Wireless Handheld
Elieen L. Collver


----- Original Message -----

From: Elieen L. Collver
Sent: 04/27/2007 04:04 PM EDT
To: Curtis Crider
Cc: Donetta Davidson
Subject: memo

Hello Curtis:

I was reviewing the memo that you brought to the Chair today regarding the research on Voting Fraud and Voter Intimidation. I have sent electronic and hard copies to the commissioners and senior staff. However, I was wondering if there if going to be a separate memo addressing the Voter ID issues. Per your request the staff is in the process of sending emails to your designated inbox and all of those issues. Please advise.

Many thanks,
Elle

Elle L.K. Collver
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392


025780



Curtis Crider/EAC/GOV
04/27/2007 04:33 PM

To Elieen L. Collver/EAC/GOV@EAC
cc
bcc
Subject Re: memo

The response dealt with the Chair's April 23 memo to us which deal with the fraud report. The review we are conducting covers the voter fraud and the voter intimidation projects.

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

Elieen L. Collver/EAC/GOV




Elieen L. Collver/EAC/GOV
04/27/2007 04:04 PM

To Curtis Crider/EAC/GOV@EAC
cc ddavidson@eac.gov
Subject memo

Hello Curtis:

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Elle

Elle L.K. Collver
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392


025781

Bryan Whitener/EAC/GOV
04/27/2007 04:54 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject Weekly News - Elections & Voting (4-21 to 4-27-07)

Commissioners:

Included below are links to other articles and opinion on elections and voting that have posted over the past week.

#####

National

Democratic EAC Commissioner Responds to Request by 'Voter Fraud' Report Author to Have Gag-Order Lifted

A statement has been released by Rosemary Rodriguez, the U.S. Election Assistance Commission (EAC)'s newest, Democratic appointee in reply to yesterday's statement by writer and researcher Tova Andrea Wang, a Democracy Fellow at the Century Foundation. The statement comes in the wake of our report yesterday detailing Wang's statement calling on the EAC to lift the gag-order that's been placed on her, so that she might respond publicly to the controversy concerning the EAC's alteration and withholding of the bi-partisan report she submitted concerning baseless allegations of an epidemic of "Voter Fraud" in America --- despite longstanding GOP claims to the contrary.

Should We Send EAC Commissioner Rodriguez a "Free Tova Wang" T-Shirt? (Rick Hasen)

Following up on [this post](#), new EAC Commissioner Rosemary Rodriguez has issued [this statement](#). A snippet: "I cannot bind the Commission, as one member, but I believe that the EAC should immediately respond to Ms. Wang's request. I further believe that releasing Ms. Wang to discuss her work for the EAC will be a positive step as we endeavor to operate with more transparency." Bravo for Commissioner Rodriguez! I thought courage left the EAC with the departure of Commissioners Soares and Martinez. I'm glad to be proven at least 1/4 wrong. UPDATE: I just got an email with the EAC's periodic updates (EAC "Newslines"). It not only links to the Rodriguez letter. It also links to [an April 16 letter](#) from Commissioner Hillman, explaining her reasons for voting not to release the draft EAC report on fraud and calling for the IG to investigate the EAC's handling of the two reports. The same day, the EAC [requested the IG review](#). Commissioner Hillman's views on the release of the EAC report are misguided. If the EAC is going to commission research, it should allow for that research to be released. If the commission believes the research is flawed, it should so state (or it could take the step of disavowing the research, as it did---pretty indefensibly in my view---with the voter id and turnout research). It should also impose no "gag orders" on its contracted researchers. The truth in social science emerges from discussion, not silence. It is interesting to me that Commissioner Hillman did not join Commissioner Rodriguez in calling for the EAC to at the very least respond to Wang and further to allow her to speak. Of course, if Commissioner Hillman did so, the EAC could split 2-2 on party lines, which certainly would undercut the agency's hopes for "bipartisanship" in election administration. Ideally, all 4 commissioners should simply vote to let Wang and all other EAC researchers talk after their research is released and put this behind them.

'News Worth Noting' In 5-Year Bush Effort, There's Scant Evidence of Voter Fraud

The Black Chronicle--Five years after the Bush administration began a crackdown on voter fraud, the Department of Justice has turned up virtually no evidence of any organized effort to skew federal elections, according to court records and interviews....A federal panel, the Election Assistance Commission, reported last year that the pervasiveness of fraud was debatable. That conclusion that played down findings of the consultants who said there was little evidence of it across the country, according to a review of the original report.

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National / Texas

A (Poorly) Calculated Risk

Research so far says that while impersonating a legal voter is pretty rare (mentioned on page 9 of this Election Assistance Commission report), states with photo ID requirements take a serious hit in voter turnout

Arizona

Bill would make early ballot request recurring

Arizona early voters would have to request early ballots just once, not for every election, under a bill the state Senate preliminarily approved Wednesday.

California

Electronic voting dilemma

After spending about \$19 million to twice buy electronic voting machines, Riverside County taxpayers might have to do it again.

Sequoia machines supposed to tally election results quicker

Riverside County Supervisors bought into electronic voting seven years ago on the promise it would provide quicker election-night returns and save taxpayers money.

Election integrity advocates wonder whether e-voting has done either. The original \$14 million voting machine was supposed to save taxpayers \$600,000 annually - the cost of printing paper ballots.

Colorado

Lawmakers Strike Plan To Allow Felons On Parole To Vote

A House committee on Tuesday struck a provision that would have allowed felons on parole to vote after opponents said it was unconstitutional. The amendment, introduced by Sen. Peter Groff, D-Denver, at the request of the American Civil Liberties Union, would have given felons on parole the right to vote.

Florida

Fla. Senate Backs Election Reforms

In an effort to make sweeping changes to the state's election system, Florida senators gave preliminary approval Thursday to a catch-all voting reform package that would use \$28 million in federal funds to replace touch-screen voting machines with a paper ballot system.

Senate passes election reforms, but House support is waning

In an effort to make sweeping changes to the state's election system, Florida senators gave preliminary approval Thursday to a catch-all voting reform package that would use \$28 million in federal funds to replace touch-screen voting machines with a paper ballot system. It would also move up the state's presidential primary from March to the last Tuesday in January, making it among the earliest in the nation. But even as the Senate moved the bill forward, the House sent signals that it may not have enough support to pass it as the Legislature heads into its final days.

Indiana

Floyd County stumps for poll workers

There are some holes to fill in the roster of 170 primary election poll workers, Floyd County Clerk Linda Moeller said Tuesday. Each of the city's 34 polling places needs two clerks, two judges and an inspector. Each party is represented by a clerk and a judge; the inspectors will all be Democrats through 2010 because the county's ballots favored a Democrat for secretary of state last fall. Workers would need to attend training for two to four evening hours next week, Moeller said. A poll worker must be a registered voter in Floyd County and not be related to any candidate on the ballot.

Massachusetts

Voting machines to be unveiled

The AutoMARK system was subsequently chosen and is being rolled out across Massachusetts in order to comply with the Help America Vote Act (HAVA) of 2002. "Massachusetts has moved carefully and deliberately to get the most accessible, secure and reliable machine, and to avoid the problems other

states have experienced with new technologies in voting equipment," said Galvin. "After extensive testing and analysis for security, I have determined that the AutoMARK terminal is the one that will best enable voters with disabilities to cast their ballots without the assistance of another person."

Democrat operatives receive probation

Deal resolves case alleging voter fraud. Two veteran Democratic political operatives were sentenced yesterday to six months' probation with 40 hours of community service after reaching a plea agreement with prosecutors in a 3-year-old voter fraud case.

Michigan

New election fees will save townships money

It's one of those win-win situations that seem to happen so rarely in government. The Branch County board Wednesday afternoon approved new fees the office of Clerk Terry Ann Kubasiak will charge townships, cities and villages for the programming of their new, state-of-the-art voting machines for elections. The fees will be less than the vendor charges, and the money will be additional revenue for the county.

Missouri

Missouri's Failed Experience with DREs

The first real signs of failure in Missouri's electronic voting experiment came last November from voters in some of the smaller, less sophisticated counties. In the general election last year fifty-four (54) of these smaller Missouri counties used almost 1,000 new direct electronic recording (DRE) voting machines at a cost of almost \$4.5 million dollars.

Cloud Looms Over Mayoral Election Results

Questions have arisen in the black community over the disclosure that some of the votes from the March 27, mayoral election were not turned in until the next morning. Instead of losing the mayor's race by 1,010 votes, mayoral candidate, Alvin Brooks, learned this week that he only lost by 850 votes to Mayor-elect, Mark Funkhouser. THE CALL spoke with both Ray James, the Republican director of the Kansas City election board and Mrs. Sharon Turner Buie, the Democratic director.

Ohio

Democrats named to elections board

Secretary of State Jennifer Brunner on Monday named two Democratic lawyers to Cuyahoga County's four-member elections board: Eben "Sandy" McNair and Inajo Davis Chappell. The appointments nearly re-establish the board after Brunner forced the two Democrats and two Republicans to resign. Brunner has argued that new board members are needed to restore voter confidence in the county's troubled elections process.

Pennsylvania

Justice Department Resolves Voting Rights Lawsuit Against Philadelphia

The Justice Department today reached a settlement agreement with the City of Philadelphia related to allegations that the city violated the Voting Rights Act, the Help America Vote Act (HAVA), and the National Voter Registration Act (NVRA).

Franklin County To Use Paper Ballots This Election

Franklin County has decided to stick with paper ballots for the upcoming election. "If someone is just having trouble seeing the small print on the ballot, they can feed their ballot into this machine, they can pull it up on this machine, and it will pull it up on this screen. At the bottom there is a zoom in and zoom out feature so it blows it up, so they can better able read it. There is also a contrast feature, so maybe they can see the white print on a black background better than the other. To vote they can just touch the button. And there are also headsets for those who are blind," says Beyers. They are also offering demonstrations on machines for the visually impaired. "The blind voters that have used it were really excited about being able to vote independently, they were able to vote a paper ballot at the polling place just like everyone else," says Beyers.

Tennessee

City, Election Commission tussle over elections chief

The Davidson County Election Commission is trying to shake itself of some city lawyers. Davidson County Administrator of Elections Ray Barrett, requested a temporary restraining order against Metro Tuesday in federal court to force the Metro Legal Department to drop its attempt to intervene, on his behalf in the lawsuit that two Jewish voters filed against Metro earlier this month. The voters are attempting to force a rescheduling of this years mayoral run-off vote from the Jewish holiday of Rosh Hashanah, which falls this year on Sept. 13.

Texas / National

A (Poorly) Calculated Risk

Research so far says that while impersonating a legal voter is pretty rare (mentioned on page 9 of this Election Assistance Commission report), states with photo ID requirements take a serious hit in voter turnout that effects minority voters worst of all. (The original research behind that story is here.)

Wisconsin

Election fraud conviction overturned

A state appeals court overturned a misdemeanor election fraud conviction in Racine County, concluding that the defendant's "poor supervision" of voter registrars in 2004 didn't amount to a crime. The District 2 Court of Appeals ruling allows Damien Donnelle Jones of Milwaukee to withdraw his guilty plea, seek a new trial and set aside the 90-day jail term and two years of probation imposed by Circuit Judge Dennis Barry.

#####

Bryan Whitener/EAC/GOV
04/30/2007 10:22 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Daily News (4-30-07, Mon)

Commissioners:

The following items are in the news.

#####

National

- EAC Interferes With Florida Decision To Rid the State of Touch-Screen DRE Voting Systems (Gideon)
- Rush Holt hires new chief of staff
- Political Appointees No Longer to Pick Justice Interns (DOJ interns, new hires and Georgia voter ID law)
- Choose the right investigations, Congress (LA Times editorial)

California

- Schwarzenegger Sets Special Election Date to Replace Millender-McDonald

Florida

- New ballots, new worries

#####

National

EAC Interferes With Florida Decision To Rid the State of Touch-Screen DRE Voting Systems (Gideon)

Announces Meeting to Discuss Florida...to be Held in Washington DC...

John Gideon
Brad Blog
April 27, 2007

Yesterday the U.S. Election Assistance Commission (EAC) announced ⁽¹⁾ that "Special Circumstances" would require them to hold a public hearing next Tuesday, 1 May in Washington DC. The "Special Circumstances"?

It seems that the state of Florida asked the EAC if they could use funds provided under the Help America Vote Act (HAVA) to replace their present paperless touch-screen DRE voting systems and someone at the EAC told the state that they didn't think it would be alright for the state to spend their HAVA funds for anything like going to a paper based voting system. But, the EAC representative said that the Commissioners would have to get together and vote on the issue.

So, yesterday the commission announced when that vote would take place; May 1. That's three working days from now. That's three days for the state and the state's very active Election Integrity community to prepare their statements in favor of spending the states own funds for their own voting system.

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And, this public meeting that is very important to the state of Florida --- will be convened in Washington DC to ensure that the commissioners make it as hard as possible for anyone to attend and voice their opinions.

The EACs "Sunshine Notice" announcement is for a meeting that is murky and as closed as the EAC can possibly make it without directly violating federal law.

Article printed from The BRAD BLOG: <http://www.bradblog.com>

URL to article: <http://www.bradblog.com/?p=4466>

URLs in this post:

[1] announced:

[http://www.eac.gov/docs/EAC%20-%20Sunshine%20Notice%20\(%205-1-07%20Meeting%20\).pdf](http://www.eac.gov/docs/EAC%20-%20Sunshine%20Notice%20(%205-1-07%20Meeting%20).pdf)

#####

National

Rush Holt hires new chief of staff

Roll Call

Around the Hill

April 30, 2007

Tom O'Donnell, 43, is coming back to the Hill to work as chief of staff to Rep. Rush Holt (D-N.J).

Previously, O'Donnell worked as a vice president for Congressional affairs at the Continental Consulting Group since 2002. From 1989 to 2002, he worked for then-Rep. Lane Evans (D-Ill.) as his military legislative assistant and then legislative director in addition to simultaneously working as a Veterans' Affairs Committee professional staff member when Evans was ranking member on the committee. He also worked as a military legislative assistant for then-Rep. Pat Schroeder (D-Colo.) from 1987 to 1989.

From Boonville, N.Y., O'Donnell earned a bachelor's degree in political science from State University of New York at Plattsburgh.

#####

National

Political Appointees No Longer to Pick Justice Interns (DOJ interns, new hires and Georgia voter ID law)

By Dan Eggen and Amy Goldstein

Washington Post Staff Writers

Saturday, April 28, 2007; A02

The Justice Department is removing political appointees from the hiring process for rookie lawyers and summer interns, amid allegations that the Bush administration had rigged the programs in favor of candidates with connections to conservative or Republican groups, according to documents and officials.

The decision, outlined in an internal memo distributed Thursday, returns control of the Attorney General's Honors Program and the Summer Law Intern Program to career lawyers in the department after four years during which political appointees directed the process.

The changes come as the Justice Department is scrutinized for its hiring and firing practices because of the dismissal of eight U.S. attorneys. Some of the fired prosecutors were removed because they were not considered "loyal Bushies" by senior Justice and White House officials.

Justice officials said the change was prompted by a contentious staff meeting in early December, which

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included complaints that political appointees led by Michael J. Elston, chief of staff for Deputy Attorney General Paul J. McNulty, had rejected an unusually large number of applicants during the most recent hiring period. Last year, about 400 applicants were interviewed for the honors program -- the primary path to a Justice Department job for new lawyers -- down from more than 600 the year before.

The House and Senate Judiciary committees also are investigating allegations from an anonymous group of Justice employees that most of those cut from the application lists had worked for Democrats or liberal causes and that Elston removed people for spurious reasons that included "inappropriate information about them on the Internet."

Justice officials strongly deny that political or partisan factors play any role in who is chosen for the two programs. But they acknowledged yesterday that the involvement of political appointees helped feed suspicions that the process had been tainted.

"The Justice Department does not, nor has it ever, solicited any information from applicants . . . about their political affiliation or orientation," said Justice spokesman Dean Boyd. But, he added, the changes "should further improve the process and eliminate even the perception of any political influence."

The honors program, established during the Eisenhower administration, is a highly regarded recruiting program that attracts thousands of applicants from top-flight law schools for about 150 spots each year and has been overseen for most of its history by senior career lawyers at Justice. Then-Attorney General John D. Ashcroft reworked the program in 2002, shifting control from career employees to himself and his aides.

The changes alarmed many current and former Justice officials, who feared that the Bush administration was seeking to pack the department with conservative ideologues. Many law school placement officers said in 2003 that they noticed a marked shift to the right in the students approached for honors program interviews.

Complaints about the program emerged again this month after Senate and House investigators received a letter from the unidentified Justice employees, who alleged that hiring at the department was "consistently and methodically being eroded by partisan politics." The letter singled out the honors and intern programs, alleging that senior political appointees appeared to reject applicants who "had interned for a Hill Democrat, clerked for a Democratic judge, worked for a 'liberal' cause, or otherwise appeared to have 'liberal' leanings."

Boyd and other Justice officials said such allegations are without merit. They pointed to statistics showing that Harvard, Stanford, Yale and other elite universities continue to dominate hiring for the honors program. Officials said many of the complaints last fall stemmed from serious delays in the review process, partly because Elston and other political officials were new to the process.

Louis DeFalaise, a career employee and director of the Office of Attorney Recruitment and Management, said in Thursday's memo that his office would oversee the hiring process, which will be handled by career lawyers from various Justice divisions. Similar changes will be applied to the summer intern program, according to the memo, which was obtained by The Washington Post.

"The 2007 changes to these programs represent another step in the department's multi-year effort to enhance these prestigious programs," Boyd said.

According to current and former Justice employees, many of whom spoke about fellow lawyers on the condition of anonymity, the centralization of the honors program selection process in the hands of political appointees markedly changed the profile of the entry-level lawyers hired, particularly in the department's civil rights division.

Since 2002, when Ashcroft adopted the hiring method the department is now abandoning, a large share of honors hires have had strong conservative or Republican ties, according to Justice lawyers and law

school career-placement officers.

Bill Condon, an honors hire in the civil rights division who graduated in 2004 from Regent University, a small Christian school in Virginia Beach, recounted his job interview recently in the school's alumni magazine. Condon wrote that, when an interviewer asked him which Supreme Court decision he disagreed with most, Condon cited a 2003 ruling that struck down a Texas law outlawing homosexual acts, a decision that has been a lightning rod for social conservatives.

One of his interviewers, Condon wrote, suggested that, coming from Regent, "I may be interested in some religious liberties cases" the civil rights division was bringing in a new area of emphasis for the division.

According to a former deputy chief in the civil rights division, one honors hire was a University of Mississippi law school graduate who had been a clerk for U.S. District Judge Charles W. Pickering Sr. about the time the judge's nomination by President Bush to a federal appeals court provoked opposition by congressional Democrats, who contended that Pickering was hostile to civil rights.

A few months after he arrived, that lawyer was given a cash award by the department, after he was the only member of a four-person team in the civil rights division who sided with a Georgia voter-identification law that was later struck down by the courts as discriminatory to minorities, according to two former Justice lawyers.

Another honors hire, a graduate of the University of Kentucky College of Law who had been president of the campus chapter of the Federalist Society, displayed a bust of President James Madison in his Justice office, according to a former honors program lawyer who was hired during the Clinton administration. A profile of Madison's face is the logo of the society, which is based on conservative precepts.

"When I started," the former honors program lawyer said, "it was rare you met people whose civil rights credentials were that they were part of the Federalist Society, but it became a commonplace thing."

Justice officials say it is hardly unusual for a lawyer to be a member of the Federalist Society, which has more than 30,000 members in 65 chapters worldwide.

Harvard Law School officials said they contacted the department last fall, after students seeking internships expressed concern that they had not been notified by October whether they would be granted an interview, as the department had promised.

#####

National
Choose the right investigations, Congress (LA Times editorial)

Too many inquiries into minor scandals could be counterproductive.

Los Angeles Times
Editorial
April 30, 2007

THANKS TO Democratic control of Congress and its own ineptitude (or worse), the Bush administration is under investigation on so many fronts that you can't tell the sleuths without a scorecard. But not all scandals are created equal.

The weightiest investigations are the ones being conducted by two Justice Department agencies – the Office of Professional Responsibility and the Office of the Inspector General – into the controversial firings of eight U.S. attorneys. If Inspector Gen. Glenn A. Fine, who demonstrated his independence with a report to Congress about the FBI's misuse of national security letters to obtain bank and phone records, finds fault with Atty. Gen. Alberto R. Gonzales, it's hard to see how Gonzales could cling to office.

Somewhat down the scale we find the hitherto obscure Special Counsel Scott J. Bloch, who is investigating both the firing of U.S. Atty. David C. Iglesias and allegations that the administrator of the General Services Administration once asked how the agency could "help our candidates" for Congress after GSA political employees were briefed by an aide to Karl Rove. While Bloch's operation doesn't have the stature of the Justice Department offices, any finding by the special counsel that the administration violated the law would be embarrassing.

It's Congress, however, not any in-house investigator, that worries the administration most. After years of lax oversight by Republicans, Democrats are relishing their role as inquisitors, whether on the war in Iraq, the Walter Reed Army Medical Center or Army Ranger Pat Tillman's suspiciously portrayed death.

Because Democrats have an obvious vested interest in embarrassing the administration, they would be wise both to pick their fights and to share their battle plans with like-minded Republicans.

To an impressive extent, that is what happened at the Senate Judiciary Committee's hearings on the U.S. attorney firings. Gonzales was put on the defensive not only by Democrats but by Republicans such as Arlen Specter (R-Pa.) and Lindsey Graham (R-S.C.).

It's not surprising that the U.S. attorney affair has provoked bipartisan criticism from Congress. At best, the dismissals were handled in a slapdash way and with unprecedented meddling from the White House. At worst, there was possibly obstruction of justice.

Allegations that the administration violated the 1939 Hatch Act by making a political pitch to political appointees, on the other hand, don't rise to the same level.

Entranced as Democrats may be by visions of Rove in the dock, too many inquisitions into minor affairs may prove to be counterproductive.

#####

California Schwarzenegger Sets Special Election Date to Replace Millender-McDonald

Roll Call
April 30, 2007
David M. Drucker

California Gov. Arnold Schwarzenegger (R) has set Aug. 21 as the date for the special election to replace Rep. Juanita Millender-McDonald (D-Calif.), who died April 22 after losing her battle with cancer.

The race to replace Millender-McDonald in the overwhelmingly Democratic 37th district could get crowded and contentious, as state legislators facing term-limited careers in Sacramento vie with local elected officials to advance to Washington, D.C. The district is largely made up of Long Beach, a city of more than 400,000 people located in southwestern Los Angeles County.

According to California law, the top finishers for each political party entered in the Aug. 21 contest will advance to a runoff, unless one candidate garners more than 50 percent of the vote in the initial round.

#####

Florida New ballots, new worries

St. Petersburg Times

By STEVE BOUSQUET
Published April 30, 2007

TALLAHASSEE - The next evolution in Florida's ever-changing system of voting will feature something called "ballot on demand."

A citizen at any early voting site would receive a custom optical scan ballot, matching the voter's residence, language and party affiliation. A voter's choices would be marked on an optical scan ballot by filling in an oval next to each ballot question.

"The benefits of the ballot on demand system, from an election management standpoint, are numerous," Gov. Charlie Crist told a congressional committee on March 23.

But the change worries a lot of local election supervisors, who run Florida elections.

They warn that it's risky to implement an untried system in Florida in a closely watched and high-turnout 2008 presidential election.

Crist, ever the optimist, has no such fears. He calls it a convenient, thrifty way to ensure paper trails at early voting sites, without the use of touch screen voting machines, which do not provide a paper trail and were discredited after a disputed congressional election in Sarasota.

Crist publicly embraced the ballot on demand idea last month, and decided to retrofit touch screens with printers only for voters with disabilities.

Ballot on demand has been tried in Florida, with absentee voters in last month's election, in one place: Crist's home county of Pinellas.

Supervisor of Elections Deborah Clark said ballot on demand saved time and money in Pinellas' low-turnout March election, but that was done in a "controlled environment." Trying it in the 2008 presidential vote, with a much longer ballot, is another matter.

"My concern is implementing it statewide for the first time in a presidential election. That scares the heck out of me," she said.

Clark is not alone.

Eleven other election supervisors, including Buddy Johnson in Hillsborough and Pasco's Brian Corley, sent a letter to Crist and his elections expert, Secretary of State Kurt Browning.

Supervisors said a ballot on demand system relies on a work force of part-time poll workers feeding multiple pages into ballot printers, and getting each ballot to the right voter fast, to keep the lines moving.

"Voter dissatisfaction will definitely increase if these limitations make voting times longer. Based on high early voter turnout during recent election cycles, this is almost guaranteed," the 12 supervisors wrote.

In a followup letter, Terry Vaughan, president of the state association of election supervisors, told Crist that his members "are very concerned with placing into legislation a concept which has had limited use in voting situations."

Miami-Dade Supervisor of Elections Lester Sola made the same point in testimony before the Senate Ethics and Elections Committee.

Noting that 25 percent of county voters cast early ballots in the last election, and the county prints

hundreds of different ballot styles in three languages, Sola said: "The last thing you want is each voter having to sit there waiting while you're printing multiple-page ballots."

Diebold Election Systems operates ballot on demand systems in a number of areas, including King County Seattle Wash., where the firm was responsible for 22, 500 unique ballot styles.

Having multiple printers in place at each early voting site is important, Diebold spokesman Mark Radke said. He added the company is eager to offer it in Florida.

A bill creating ballot-on-demand voting is in legislation (SB 960-1010) that moves up the date of Florida's presidential primary to Jan. 29. The bill passed the Senate on Friday and is awaiting a House vote.

To some election supervisors, the shift to ballot on demand is happening with dizzying speed.

It has only been five years since 15 counties replaced the disgraced punch-card ballots with touch screens at a cost of hundreds of millions of dollars.

The touch screens are now quickly being phased out of existence, even though those counties still owe tens of millions of dollars for them.

Crist dismissed the notion that he's moving too fast with the ballot-on-demand system. The greater goal, he said, is to require a paper trail of every vote.

"I think it makes sense for the most precious right we have in democracy - your right to vote, " Crist said.

Secretary of State Browning recently went to Phoenix's Maricopa County, which uses ballot-on-demand voting for absentee ballots. He said he was confident it can be successful in Florida.

"I respectfully disagree with my former colleagues, " said Browning, the former Pasco election supervisor. "We have this fear of the unknown."

Steve Bousquet can be reached at bousquet@sptimes.com [REDACTED]

[Last modified April 30, 2007, 01:52:29]

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Bryan Whitener/EAC/GOV
04/30/2007 06:03 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola
Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC,
Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (4-30-07, Mon)

Commissioners,

(1) Leslie Clark of the Miami Herald plans to attend tomorrow's public meeting. Today she asked whether Florida is required to abide by EAC reply to their request. We said that EAC is the cognizant agency for most of the HAVA funding programs. We said that EAC therefore has the responsibility to advise and instruct states regarding the appropriate use of these funds consistent with the provisions of HAVA as well as circulars developed by OMB Circulars A-87 which governs the use of federal funds to purchase goods for state and local governments.

(2) Dana Burke, News Editor for the Citizen in Webster, TX is working on a story regarding voter identification requirements in Texas. She said Democrats opposed to the new legislation have referred to EAC's voter ID study and point to a correlation between more stringent voter id requirements and lower voter turnout, especially among minority groups. She noticed EAC's statement regarding a request for review, asked if the study is considered valid and whether the assessment by opponents of the legislation is correct. We sent her the following two links and replied that our Inspector General is currently reviewing the circumstances surrounding this research and that when that process is complete we'll be glad to discuss it further.

04/16/07 - EAC Requests Review of Voter ID, Vote Fraud & Voter Intimidation Research Projects

News Release: 3/30/07 - EAC to Launch Comprehensive Study of Voter ID Laws

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Bryan Whitener/EAC/GOV
05/02/2007 10:10 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola
Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC,
Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Daily News (5-2-07, Wed)

Commissioners:

The following items are in the news.

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National

- The Secret Weapon of 2008: Felons are getting the vote back

Florida

- Elections panel OKs federal funds to replace Florida voting machines (Associated Press)
- Federal funds pave way to voting paper trail (Miami Herald; Julie Hodgkins referenced)
- Money For Paper Ballots OK'd (Tampa Tribune; Julie Hodgkins referenced; Florida State Senate's lead proponent of Crist initiative says Browning didn't need EAC approval)

Texas

- House approves bill requiring state to verify voters' citizenship
- Voter ID bill hinges on ailing senator
- ID rule will bolster integrity of elections (commentary)

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National

The Secret Weapon of 2008: Felons are getting the vote back

The Secret Weapon of 2008: Felons are getting the vote back—and Republicans aren't stopping them.

Slate.com

Jurisprudence: The law, lawyers, and the court.

By Emily Bazelon

Friday, April 27, 2007

As a bonus of the U.S. attorney scandal, we've learned about the Bush administration's penchant for bogus voter-fraud prosecutions, which deported immigrants for mistakenly filling out voter-registration cards. We've also learned about the Justice Department's questionable voting-law interpretations, which led states to mistakenly scrap tens of thousands of voter applications. One thing this administration is good at, it turns out, is vote suppression. And yet somehow, it hasn't stopped one swelling of the voting rolls that is hardly in the GOP's interests: The re-enfranchisement of felons, in red states as well as blue ones.

Earlier this month in Florida, it was one of the GOP's own, Gov. Charlie Crist, who did the vote-restoration deed. Invoking themes of forgiveness and redemption over Easter week, Crist persuaded fellow Republicans on the state clemency board to automatically restore the vote to nonviolent former felons who had paid any restitution they owed. Florida has 950,000 ex-offenders. Crist gave the vote back to upward of 750,000 of them. Think about it: George W. Bush won Florida by 537 votes in 2000 and about 380,000 votes in 2004.

025794

When their voting power is restored, ex-offenders tend to vote in presidential elections at a rate of 35 percent (compared to 52 percent of the rest of us), but they do overwhelmingly vote for Democrats, according to sociologists Jeff Manza and Christopher Uggen, authors of *Locked Out: Felon Disenfranchisement and American Democracy*. Even if the people Crist re-enfranchised remember him personally at the ballot box, they're not in the least likely to vote for the rest of his ticket. Along with President Bush, Manza and Uggen came up with a list of Republican senators who are in office because felons couldn't vote for their opponents. The sociologists look at the thin margins by which these senators won, calculate the likely voting rates for felons, and conclude that if they could have voted, they'd have cast enough votes for the Democratic rivals to tip the election. Sens. Mel Martinez of Florida and Jim Bunning of Kentucky are the most recent additions to Manza and Uggen's list. In other words, Crist's reform could really cost the GOP.

And yet Florida is in good company. You could almost say the country is facing a restore-the-vote craze—and that for some reason no one much seems to be opposing it. This week, Maryland gave back the vote to more than 50,000 former felons who have completed their prison sentences and finished with probation and parole. Democratic Gov. Martin O'Malley signed that bill over calls for a veto from Republicans. In November, Rhode Island voters approved the first state referendum to restore the vote to felons. The margin was slim—51 percent to 49 percent—but so were the resources spent by the vote-restoration side: only \$300,000.

In the last several years, other states have removed lifetime ballot bans or waiting periods for ex-offenders: New Mexico (more than 68,000 regained the vote in 2001); Connecticut (33,000 people on probation regained the vote in 2002); Delaware (switched from lifetime ban to five-year waiting period in 2000); and Texas (eliminated two-year waiting period in 1998, allowing more than 300,000 former felons to join the rolls). In Colorado, a restoration bill is pending. In Kentucky, an effort to amend the state constitution to eliminate a lifetime voting ban for felons died recently, but it will be reintroduced next year and has a chance of passing. In Virginia, the only other remaining state with a lifetime ban, the *Roanoke Times* urged the legislature to follow Florida after Crist's show of mercy this month.

In addition to the number of states, the most surprising thing about all of this vote-restoration is the increasingly muted quality of the opposition. The argument for allowing ex-offenders to vote is that they've paid their debt and should be reintegrated: If we treat them like full citizens, they'll be more likely to act like full citizens. The argument against allowing ex-offenders to vote is that they forfeited this right when they committed their crime, and anyway we don't want the likes of them deciding who gets elected. In 2002, some senators made that argument in debating a federal re-enfranchisement bill, and in 2004, the *National Review Online* had a run of commentaries that accused Democrats of cynical vote-grabbing over the issue. Maybe I am looking in the wrong places, but this time around I can hardly even find a pissed-off blog post. After the Florida move, Tucker Carlson feebly suggested that "if you're going to let people decide who runs the country, you ought to let them hunt and have a gun." And here's an unfunny call for a "felon barnstorming tour" from a columnist at the *Palm Beach Post*. But that's about it. Far more editorial pages and commentators applauded Crist and even wondered, fawningly, whether he could be a new breed of politician.

While that's a bit much, it is significant that a Republican governor decided that his interests lay with the felons. Maybe Crist has been moved by fellow conservatives Chuck Colson and Jack Kemp, who argue for raising up rather than condemning former criminals. Or maybe the governor thinks the issue plays well with moderate voters—public opinion polls show that about 60 percent of Americans support letting felons vote after they've completed their sentences, according to Manza and Uggen. Then there's the questionable history of Florida's law, which dates to 1868 and the post-Civil War days of poll taxes and intimidation of black voters. Also, Manza and Uggen have found, as Jason DeParle points out in the *New York Review of Books*, that "the more African-Americans a state contains, the more likely it has been to ban felons from voting."

Other Republicans have gone where Crist went before him: George W. Bush signed the Texas re-enfranchisement bill when he was governor. Is restoring the felon vote starting to be hard to oppose? If

that's so, then the 2008 electoral map may look bluer--in spite of the Justice Department efforts to tamp down the vote on other fronts. More than 5 million people couldn't vote because of their criminal records in 2004. That's a lot of ballots.

Emily Bazelon is a Slate senior editor.

Article URL: <http://www.slate.com/id/2165134/>

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Florida

Elections panel OKs federal funds to replace Florida voting machines (Associated Press)

BY STEPHEN MAJORS

The Associated Press

The Gainesville Sun

May 2, 2007

TALLAHASSEE - The U.S. Election Assistance Commission will allow Florida to use federal funds to replace the state's touch-screen voting machines with a verifiable paper-trail system, U.S. Sen. Bill Nelson's office and the Florida Department of State said Tuesday.

The Florida Legislature is on the verge of passing an elections bill that calls for the use of nearly \$28 million in federal funds to replace touch-screen voting machines used in 15 counties. But until Tuesday - when the Election Assistance Commission said during a public hearing in Washington that it would permit the use of federal funds - state lawmakers and Florida Secretary of State Kurt Browning did not know for sure whether they could rely on federal money from the Help America Vote Act.

Despite the high priority Gov. Charlie Crist and most lawmakers - Republican and Democrat - have given to the replacement of the machines, a tight budget year has left the Legislature hard-pressed to find state funding for it.

The Department of State expected to receive more details from the commission late Tuesday or today on how the state can disburse the federal funds.

"We'll work with the House and Senate on how HAVA funds can be used," said Sterling Ivey, a spokesman for Browning.

Nelson had written a letter to the commission, encouraging them to respond to Florida's "initiative and commitment to reforming voting systems" by allowing the use of federal funds.

The commission held Tuesday's hearing in order to give the state Legislature enough time to work out the necessary details before the 60-day legislative session ends Friday.

Browning testified in Washington about what Florida wanted to do with the funds. The state used some HAVA funds to reimburse itself for the purchase of touch-screen machines to replace punch card ballots after the 2000 election debacle, he said. But the majority of the expenditures were made by the counties and then reimbursed by the state.

"I see that the climate and political environment has changed somewhat and there is a perception across the state that indicates many voters do not trust electronic voting machines and want to cast a paper ballot," he said in prepared remarks. "For Florida, this perception has become reality in large part, and we want to address those concerns."

Crist called for the replacement of the machines because of last year's District 13 congressional race in

Sarasota County, where touch-screen machines showed 18,000 ballots without a selection in the race. That high rate of "undervotes" - significantly higher than surrounding counties in the district - as well as testimony from voters who said the machines malfunctioned, led Democrat Christine Jennings to challenge her 369-vote loss to Republican Vern Buchanan.

The state Senate last week passed a bill (SB 960) that calls for the replacement of the touch-screen machines and moves Florida's presidential primary to Jan. 29. The bill is now awaiting action by the House.

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Florida

Federal funds pave way to voting paper trail (Miami Herald; Julie Hodgkins referenced)

Florida can use federal money to pay for a switch to paper ballots, easing the way for lawmakers to scrap touch screens in 15 counties, including Miami-Dade and Broward.

Miami Herald

May 1, 2007

BY LESLEY CLARK AND GARY FINEOUT

lclark@MiamiHerald.com

WASHINGTON -- U.S. election officials gave Florida the go-ahead Tuesday to use federal money to pay for voting machines with a paper trail, easing the way for the state Legislature to scrap touch-screen machines in Miami-Dade, Broward and 13 other counties.

The agreement capped a two-hour meeting before the U.S. Election Assistance Commission, which rejected the bid to tap one federal pot, then told the state how to get the \$28 million it asked for anyway: Use the federal funds to reimburse itself for the millions Florida spent on new voting machines after the "hanging chads and butterfly ballots" debacle of the 2000 presidential election.

The initial rejection prompted an impassioned plea from Secretary of State Kurt Browning, who told the commission that without federal money, the state would be unable to move to paper ballots in time for the 2008 presidential election.

"Florida has been through the wringer and back," Browning, a former Pasco County elections supervisor, told the commission when it appeared the federal dollars would not be available. "Florida wants to move on . . . Florida is election-weary."

Browning said that although he believes the electronic ATM-style machines are accurate, "there's a perception out there that you can't trust touch-screen voting machines."

"For Florida, this perception has become reality in large part, and we want to address those concerns," he said. He said most counties have reported no problems with touch-screen voting, but he added, "let's not talk about Sarasota" -- where 18,000 ballots recorded no vote in last year's congressional race and a House task force meets today to decide whether to investigate.

Commission members said they were reluctant to let the state use unspent federal dollars earmarked for purchasing voting machines under the federal Help America Vote Act, or HAVA, because the federal government had already picked up part of the tab when the state scrapped its punch-card machines.

But Julie Hodgkins, general counsel for the commission, said Florida and its counties never reimbursed themselves for the full costs when they scrapped punch-card voting machines in the wake of the 2000 presidential election -- before HAVA was even implemented. She said that money can be used for the new machines.

The decision by federal authorities should remove one of the final obstacles to Florida removing the touch-screen machines in the 15 counties that use them, and replacing them with optical-scan machines that rely on paper ballots filled out by voters.

Gov. Charlie Crist, who asked the Legislature to switch the state to paper ballots, had initially planned to use state money for the new machines, but his plan was rejected by House Republicans.

Sen. Lee Constantine, an Altamonte Springs Republican and sponsor of the bill that mandates new voting machines, said Tuesday's decision should clear the way for lawmakers to pass the voting bill by the time the session ends Friday.

"Now they have no excuses," Constantine said. "We always felt very strongly we could use the [federal] money."

Rep. David Rivera, one of the top Republicans in the House, said the main problem that remains is that the bill the Senate has already passed authorizing the new machines is included in a 73-page bill that contains dozens of other election changes. The bill, for example, moves Florida's presidential primary up to Jan. 29.

Browning told the commission that there is some opposition among county elections supervisors who are concerned about getting new machines online in time for the 2008 presidential election. Crist wants paper ballots in use for primary elections that fall, Browning said.

"I won't say they're against it," Browning told the commission. "They're hopeful to have more time to do it."

Browning told the commission he took the job with one primary goal: "to make elections in Florida a nonevent."

"We in Florida have to get away from defending touch-screen voting machines and get back to running elections," he said.

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Florida

Money For Paper Ballots OK'd (Tampa Tribune; Julie Hodgkins referenced; Florida State Senate's lead proponent of Crist initiative says Browning didn't need EAC approval)

By BILLY HOUSE and CATHERINE DOLINSKI

The Tampa Tribune

Published: May 2, 2007

WASHINGTON - Florida received a green light Tuesday to use \$28 million in federal money to pay for Gov. Charlie Crist's plan to switch all state counties to paper ballots.

"I'm satisfied," a relieved Secretary of State Kurt Browning said Tuesday after pleading his case to the U.S. Election Assistance Commission in Washington, D.C.

But while agreeing that it was good news politically, the Florida Senate's lead proponent of the Crist plan maintained that the spending decision always has rested with the state.

With lawmakers in Tallahassee racing toward Friday's close of the legislative session, questions have loomed for weeks as to whether the state could legally use federal "Help America Vote Act" money to pay for Crist's initiative.

Crist has sought to require a paper trail in all counties after 18,000 undervotes were recorded in Sarasota County last fall, prompting legal challenges in the close result of the District 13 congressional race.

The governor hopes to have touch-screen machines purchased by counties replaced with optical scanners to read paper ballots before the 2008 presidential election.

Early on, however, funding concerns threatened support for the proposal among House leaders, who balked at the prospect of spending state money to replace counties' electronic touch-screen machines. The only funding source lawmakers could agree on was the state's federal voting-act money.

The state has been sitting on more than \$91 million of the federal election-reform money. The problem is, most of it comes tightly attached to strings that limit its use to specific purposes.

Browning has been among those who have raised questions about whether Florida legally can apply those federal funds to Crist's paper-trail plan. With the clock ticking toward Friday, Browning went to Washington to get an answer from the commission that oversees those funds.

That irked Lee Constantine, the Florida Senate's lead proponent of Crist's initiative.

The U.S. Election Assistance Commission, he said, "makes recommendations, but it's not their decision. I wish the secretary of state had understood that it's in his purview to decide it."

What Browning got initially, after pleading the state's case during the commission's hearing, was a roundabout answer from the commission's general counsel that seemed to suggest the state's request to use the money was being rejected.

"Florida is weary. We are elections weary," responded Browning. "We want to do the right thing," which he said would be to use federal voting act money "to do exactly what the state is requesting."

"I guess I'm just a little disappointed," he went on to tell the commission. "I was hoping to come to Washington today to have consensus so that we could tell our Legislature to move ahead and fund this improvement ..."

The commission's counsel, Julie Thompson-Hodgkins, then went on to say that she thought a couple of accounting maneuvers could, in fact, provide Florida the federal voting money Crist seeks.

The state, she noted, can be reimbursed \$12 million in Help America Vote Act Money for voting machine purchases made in 2001 and 2002, for which Florida has not been reimbursed. Then the state could pay for the balance of the governor's plan with other federal voting money.

The bottom line: The federal election-assistance funds can be used to pay for all of Crist's plan.

Now, it's up to the Legislature to approve the plan. Constantine said he hoped the federal panel's endorsement would help clear the way - even though he thought it was an unnecessary step.

"I'm just glad that now there is no one who might not like paper trails that can use this as an excuse."

Reporter Catherine Dolinski can be reached at (850) 222-8382 or cdolinski@tampatrib.com. Reporter Billy House can be reached at bhouse@tampatrib.com or (202) 662-7673.

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Texas
House approves bill requiring state to verify voters' citizenship

Legislature: Applications would require info on birth or naturalization

The Dallas Morning News
Wednesday, May 2, 2007
By KAREN BROOKS
kmbrooks@dallasnews.com

AUSTIN - The state would set up a system to check the citizenship of registered voters under legislation endorsed by the House late Tuesday.

A bill by Rep. Phil King, R-Weatherford, charges the secretary of state with verifying, through database checks, the citizenship of anyone who registers to vote, starting in September.

Applications would also require registrants to list their date and place of birth, or the date and place of naturalization. If an applicant doesn't show up in the state's cross-reference with various databases identifying citizens, that person would be required to go to his local elections office and swear to his citizenship.

Voters who are already registered would be exempt from the new requirements until the next time they register.

The House approved the bill, 87-59, and the legislation is expected to be passed today and sent to the Senate.

Mr. King and other authors originally wanted to require people to show proof of citizenship when they register to vote, but concerns that that would virtually shut down voter registration drives - such as those at colleges and churches - caused them to shift the burden to the state, Mr. King said.

"This is about protecting voting rights," Mr. King said. "This is about making sure your vote, your brother's vote, your sister's vote, and your constituents' vote is not canceled out by the vote of a noncitizen."

Opponents say the legislation is actually about canceling out minorities' votes, because any burden on voting registration - including the purging that would occur if the databases are wrong or the system is imperfect - disproportionately affects the poor and minorities.

They argued that the state has no reciprocity agreements with other states' birth-certificate and naturalization databases and that trying to cross-check millions of voters against numerous lists like Social Security and driver's license records would produce too many errors.

Attempts by House Democrats to set up a database system first, allow voters to register and vote on Election Day, and increase the penalties for voting illegally all failed.

"You will have hundreds of thousands of people who will be unable to be registered and verified as citizens," said Rep. Rafael Anchia, D-Dallas, who is leading the fight against additional voting requirements.

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Texas
Voter ID bill hinges on ailing senator

Democrats vow to block the measure, but need Gallegos

By LISA SANDBERG and JANET ELLIOTT
Houston Chronicle

025800

Austin Bureau
May 2, 2007

AUSTIN – A Senate committee has passed the controversial, partisan-charged voter identification bill, but Democrats are vowing to do whatever it takes to block it.

Their success will depend on whether Sen. Mario Gallegos Jr., D-Houston, who has missed most of the session recuperating from a liver transplant, can make it back to work for the vote.

All 11 Senate Democrats are needed to block the bill from coming to the floor for debate, where the Republican majority will easily pass it.

"I'll be here," Gallegos promised Tuesday from the Senate floor, where he put in a full day against the advice of his doctor.

Republican Lt. Gov. David Dewhurst promised to give Gallegos 24-hours notice before the bill hits the Senate floor – but only once, and that came Tuesday.

There won't be another notification should the bill be delayed today.

Senate Democrats say that if House Bill 218 is introduced on the floor while Gallegos is in Houston undergoing medical treatment, they'll filibuster until he can make it back to Austin.

"We've got 10 who can filibuster until Mario gets back. Understand that somebody is going to filibuster," said Sen. Leticia Van de Putte, D-San Antonio.

"I think we can talk for 24 hours," said Sen. Rodney Ellis, D-Houston.

So a showdown over voter identification is guaranteed.

House bill advances

Also Tuesday, a second hotly contested voter bill, this one involving registration, was tentatively approved by the House on an 87-59 vote.

House Bill 626, sponsored by Rep. Phil King, R-Weatherford, would require state election officials to verify citizenship of every applicant for a new voter registration card.

Applicants would have to provide their city, county and state of birth, which the Secretary of State's office would verify. Naturalized citizens would have to list the place and date of their naturalization oath. Critics of the bill said they didn't believe state officials had the capability to conduct the checks.

The voter ID bill would require Texans to show photo identification or two forms of nonphotographic identification before being allowed to cast ballots. Now citizens who bring their voter registration cards to the polls don't have to show a photo ID.

Republicans say the legislation is necessary to combat voter fraud. Democrats say the bill targets a rare form of fraud and is actually designed to suppress turnout by black and Hispanic voters.

"What this is is an orchestrated and national movement to suppress elderly and minority votes," Van De Putte said, adding that in Texas, the Secretary of State's office has no reports of people casting illegal ballots.

"Undocumented immigrants come here to work. Not to screw up elections," Van de Putte added.

Dewhurst called the voter ID bill, authored by Rep. Betty Brown, R-Terrell, an "overwhelmingly popular

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concept" and predicted on Tuesday that he had the votes to pass it on the Senate floor.

"Gee, isn't this revolutionary?" Dewhurst said. "Texas law requires that someone be a U.S. citizen and have lived here in Texas a minimum amount of time.

"How hard is it?" Dewhurst asked. "We require identification to get on an airplane, to check out a library book, if you want to buy Sudafed for your cold. Most people wouldn't think twice about providing some identification to prove they are who they say they are when they vote."

The version of HB 218 passed Monday night by the Senate's Committee on State Affairs eliminated an exemption from the photo ID requirement for voters over 80. The vote was along party lines, 6-3.

"I'm surprised anyone would be opposed to it," said Sen. Troy Fraser, R-Horseshoe Bay, who is carrying the bill in the Senate.

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Texas
ID rule will bolster integrity of elections (commentary)

Commentary
Austin American-Statesman
Tom Aldred and Brent Connett
Texas Conservative Coalition Research Institute
Tuesday, May 01, 2007

The main argument against the voter identification and citizenship verification proposals in the Legislature runs as follows: requiring a person to prove his identity and citizenship constitutes a poll tax that will suppress the votes of the poor, elderly and minorities.

Instead, voter identification is about integrity of the election system and improving voter confidence in the outcome of our elections.

The office of the secretary of state reports that there are 12.5 million registered voters in Texas. According to the Department of Public Safety, there are more than 14 million valid Texas driver's licenses and almost another 4 million valid Texas ID cards issued to Texans over age 18. There are 5.5 million more government-issued identification cards possessed by the voting age population than there are registered voters.

A majority of the elderly hold valid Texas driver's license: 73 percent of the age seventy-nine and 63 percent of 85-and-older population. Most telling is that 93 percent of elderly voters who voted in 2006 in Harris County – the state's most populous county – hold a valid Texas driver's license. Even more hold a Texas ID card, utility bill, hunting license, library card – all forms of acceptable identification in HB 218, which passed the Texas House.

Opponents' concern over disenfranchising the elderly is especially dubious since one bill passed by the House exempts people older than 80 from the identification requirement. If a person does not possess and is unable to procure identification, that person can vote by absentee ballot, a process unchanged by the voter identification bill. The voter identification bill also provides for a free ID card to any registered voter who doesn't already have one and can't afford one.

Vote fraud has been well documented. In 2006, the attorney general investigated 59 cases and noted that the highest concentration of voter fraud is in the vote-by-mail process though there have been three

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instances of alleged illegal voting, which may include circumstances preventable by a voter photo ID law.

Harris County has cancelled 3,742 registered voters for non-citizenship; 683 of those non-citizenship cancellations have occurred from 2000 to the present. No one knows the magnitude of this problem because there has never been a thorough investigation done by a state or county authority. The secretary of state, the state's chief elections officer, admits that there is no verification of the information provided by voter registration applicants. The voter registration process is so riddled with error, fraud and potential manipulation that the U.S. State Department will not accept a voter registration card as proof of citizenship when a person applies for a passport.

Critics dismiss this evidence, contending vote fraud is negligible and doesn't justify ID requirements. That is inherently contradictory. Just one person denied the right to vote on the basis of race is enough to launch federal action under the Voting Rights Act. But even though vote fraud cancels the legitimately cast votes of minorities, elderly and the poor, fraud is treated almost casually, if not indifferently. Vote fraud is not the same as voter intimidation, but it leads to the same result: disenfranchisement.

Lost on critics is that the illegal immigrant population in Texas is estimated to be over 1.6 million. With so many illegal immigrants residing here, and document fraud and identity theft increasingly linked to illegal immigration, their potential effect on election outcomes is too serious to ignore.

The bipartisan Commission on Federal Election Reform led by President Carter and former Secretary of State James Baker issued 87 recommendations for ensuring equal access to elections and election integrity. The commission recommended that states verify citizenship before registering voters and require photo identification at polling places.

Voter identification and citizenship verification fill a gaping loophole in election law. For the first time, there will be a mechanism to prevent, investigate and prosecute voter impersonation at the polls and in the process protect citizens' right to vote as guaranteed by the Constitutions of the United States and the State of Texas.

Aldred and Connett are policy analysts with the Texas Conservative Coalition Research Institute, which based in Austin.

#####

Juliet E. Hodgkins/EAC/GOV
05/02/2007 05:16 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Rosemary E.
Rodriguez/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
cc Eileen L. Collver/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, "Fabre, Stacie"
<[REDACTED]>, Stephanie
bcc
Subject Feinstein and Durbin letter

Commissioners and Tom,

There are several questions in the Feinstein and Durbin letter that I need your assistance responding to. Particularly, I need your responses as to question 1 for both the Voter ID study (page 4 -- numbered at the top) and Voting Fraud and Intimidation (page 5 -- numbered at the top). While these two questions actually say the same exact thing, I believe that the question under Voter ID was intended to refer to the Voter ID study and not the Voting Fraud and Voter Intimidation Study. In addition, please look at questions 5 and 9 under Voting Fraud and Voter Intimidation. Each of these questions require information and documents that you may have. Last, if you have any input on the response to Question 10 under Voting Fraud and Voter Intimidation, please let me know.

I am currently working on the response and anticipate working on it tomorrow and Friday. I would appreciate any information that you may have.



Feinstein and Durbin letter.pdf

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

025804

United States Senate
WASHINGTON, DC 20510

April 12, 2007

The Honorable Donetta Davidson
Chairman
U.S. Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, DC 20005

Dear Commissioner Davidson:

We are writing to seek a response to very troubling news reports that included allegations that the Commission may have altered or delayed release of two taxpayer-funded studies of election issues for political purposes.

While the Commission is within its rights to decide what guidance it issues to election officials, it is critical that its actions are not perceived as politically motivated and it is imperative that you provide full documentation about the Commission's proceedings on these matters.

On Wednesday, the *New York Times* reported that a bipartisan team of election law experts hired by the Commission to research voter fraud in federal elections found that there was little such fraud around the nation, but the Commission revised the report to say that the pervasiveness of voter fraud was still open to debate.

On Monday, *Roll Call* reported that the Commission two weeks ago rejected the findings of a report, prepared as part of a \$560,000 contract with Rutgers University's Eagleton Institute and Ohio State University's Moritz College of Law. That report found that voter identification laws may reduce election turnout, especially by minorities.

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Commissioner Davidson

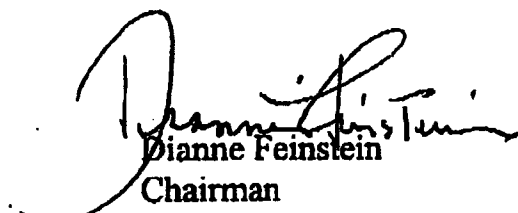
- 2 -

April 12, 2007


It is imperative that the Commission's actions and deliberations are unbiased, free from political influence and transparent. While the Commission does not have to agree with the experts who perform its research, it should make the research available unfettered and unfiltered.

Attached are a series of questions, we would like the Commission to address. We look forward to your timely response.

Sincerely,



Dianne Feinstein
Chairman
Committee on Rules
and Administration



Richard J. Durbin
Chairman
Subcommittee on Financial
Services and General
Government
Committee on Appropriations

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We request information and documentation from the Commission that answer the following questions:

COMMISSION'S OVERSIGHT ON EAGLETON CONTRACT TO PERFORM A STUDY ON VOTER IDENTIFICATION

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Would you please provide a copy of the approved Request For Proposals, as well as any contract modifications that were agreed to between the Commission and Eagleton Institute and subcontractors?
3. Can you provide the names and qualifications of Election Assistance Commission staff that worked on the Eagleton Institute project?
4. Please indicate how many project meetings occurred during the term of the Eagleton contract, including in-person meetings, conference calls regarding the status of the report, and any meeting where Commissioners were present for at least part of the meeting. Please provide copies of any minutes from those meetings.
5. Please identify the names and affiliations of members of the Peer Review group or groups that examined the Eagleton Institute drafts. Please also indicate the dates upon which any such review of the Eagleton research was conducted, and the specific concerns or complaints that were raised by members of the Peer Review group as to either the analysis or statistical methodology, if any. Please provide copies of any minutes from those meetings.
6. If certain members of the Peer Review groups had concerns with the data or methodology of the Eagleton study, was that information communicated to Eagleton, and were any changes made to the study based on Peer Review group concerns with methodology or data?
7. Who were the individuals (and what were their academic qualifications) that advised the Commission that the data, methodology, or the results of the Eagleton Contract were so flawed that the Commission should reject the report? At what point did the Commission receive input from those individuals?

8. The Commission previewed its research on the Eagleton Institute's study on Provisional Voting at its May 2006 Advisory Board meetings—why was the Voter Identification Draft Study not discussed at that time? What is the status of the Provisional Voting report?
9. In rejecting the Eagleton report, the Commission indicated concerns that there was only one year's worth of data. Given that this was the first year that Commission had studied the results, isn't "one year" what was originally contemplated in the Eagleton contract? Isn't the reason for having a major research institute conduct this study is so they can draw initial assessments from that data—even though that data can be augmented in future years? Because of the rejected report, will the Commission start anew for research in the 2008 elections?
10. What was the final, total cost of the Eagleton contract, and what was produced or released by that Commission as a result of that contract?

COMMISSION'S OVERSIGHT OVER VOTER FRAUD/INTIMIDATION STUDY

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Given the bipartisan nature of the Working Group that guided the Voter Fraud/Intimidation report, and the bipartisan nature of the contracted experts who uniformly support the results of this report, what concerns lead the Commission to determine the report should not be released?
3. If there were points in the report that the Commission objected to, were there attempts to work with the contractors to deal with specific concerns? If there were such attempts, please describe them.

4. Who drafted the Commission summary (released in December, 2006) of the Voter Fraud/Intimidation report, and what were their credentials and involvement in the original research process? Were there instructions or guidance given from Commissioners or senior staff as to what portions of the research should be emphasized? Who at the Commission reviewed the summarized report? Since the contracted experts are referred to in the Commission's released report, were the contractors allowed a chance to review or edit that Commission's final report that was released in December, 2006?
5. Please provide copies of any electronic or written communications between Commission employees that relate to the editing of the Voter Fraud/Intimidation report.
6. Please explain what Mr. Job Serebrov was referring to in his email referenced in the *New York Times* article of April 11, 2007. Please provide any documents in the Commission's possession where employees or contracted experts discussed pressure, political sensitivities, or the failure of the Commission to adopt the Voter Fraud/Intimidation report from March 1, 2006 to present.
7. While we realize that the Commission voted to release its summary report in December 2006, was there a public vote taken to reject the Draft Voter Fraud/Intimidation report? Such a monumental decision to reject the contract experts' work is a policy decision, and one that should be done in public. When was the decision made to reject the original report, and what notice was provided to the public that the Commission would reject that report?
8. Prior to the Draft Voter Fraud/Intimidation report's release, had other organizations requested a copy of that original report? Please include copies of your responses to those organizations, if any.
9. Had any States requested that the Commission or staff provide guidance related to voter identification requirements in the Help America Vote Act, or identification requirements generally? Please provide those requests, and any responses from the Commission.
10. Please indicate what steps the Commission is taking to ensure that political considerations do not impact the agency's research and that decisions are handled in a public and transparent manner.

Bryan Whitener/EAC/GOV
05/03/2007 10:57 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola
Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC,
Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Daily News (5-3-07, Thurs)

Commissioners:

The following items are in the news.

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National

- Rep. Lofgren Issues Statement on Election Assistance Commission Report Process
- Send Rep. Lofgren a "Free Tova Wang" T-Shirt (Rick Hasen)
- Controversial USA Delivered "Voter Fraud" Indictments Right on Time
- Organizations start campaign against Real ID

National / Florida

- GAO Will Examine Florida Ballot Fight
- House Admin. Elections Subcmte. Meeting Today Wed, 5-2-07: Contested Florida-13th Congressional Election
- Millions Of Dollars Found For New Voting Equipment (EAC & Florida)
- 'Daily Voting News' For May 2, 2007 (Gideon;...state only reimbursed the counties with 20% of the funds they had coming when they bought new voting systems.)

Missouri

- McClatchy Newspapers: 'Missouri Was Ground Zero' For GOP 'Voter Fraud' Scam, Thor Hearne and ACVR at Center of Scheme (EAC & DeGregorio mentioned)

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National

Rep. Lofgren Issues Statement on Election Assistance Commission Report Process

Questions Report Procedures

Press Release

May 1, 2007

Media Contact: Pedro Ribeiro

202.225.3072

Pedro.Ribeiro@mail.house.gov

Washington, DC - Rep. Zoe Lofgren (D-San Jose), Chairwoman of the House Administration's Subcommittee on Elections, today issued the following statement in response to continuing allegations that the Elections Assistance Commission (EAC) has politicized their report creation process.

"I'm troubled by a recent letter from Tova Wang, an independent researcher hired by the EAC, which claims the EAC issued a gag order barring her from speaking about her research. This appears to be yet another step in a calculated and deliberate effort to block, edit, hide, and otherwise bury reports whose findings challenge certain political assertions.

Partisan politics have absolutely no place in the administration of America's elections. By interjecting their

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political agenda into the EAC, the administration is subverting the very cornerstone of American democracy, that every vote is fairly counted. Once again we are faced with a group of Republican political appointees running amuck in the federal government. It is quite clear that Bush appointees continue to place partisan politics above the work of the American people."

###

Congresswoman Zoe Lofgren is serving her seventh term in Congress representing most of the City of San Jose and Santa Clara County. She serves as Chair of the House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law. She also Chairs the House Administration Subcommittee on Elections and serves on the House Homeland Security Committee. Congresswoman Lofgren is Chair of the California Democratic Congressional Delegation consisting of 34 Democratic members of the U.S. House of Representatives from California.

Washington, D.C. Office:
102 Cannon House Office Building
Washington, D.C. 20515
Phone: (202) 225-3072
Fax: (202) 225-3336
Email Zoe

San Jose District Office:
635 N. First Street, Suite B
San Jose, CA 95112
Phone: (408) 271-8700
Fax: (408) 271-8713

#####

National
Send Rep. Lofgren a "Free Tova Wang" T-Shirt (Rick Hasen)

Rick Hasen
Election Law Blog
May 2, 2007

Following up on [this post](#), Rep. Lofgren, Chair of the House Administration's Subcommittee on Elections, has issued [this statement](#):

I'm troubled by a recent letter from Tova Wang, an independent researcher hired by the EAC, which claims the EAC issued a gag order barring her from speaking about her research. This appears to be yet another step in a calculated and deliberate effort to block, edit, hide, and otherwise bury reports whose findings challenge certain political assertions.

Partisan politics have absolutely no place in the administration of America's elections. By interjecting their political agenda into the EAC, the administration is subverting the very cornerstone of American democracy, that every vote is fairly counted. Once again we are faced with a group of Republican political appointees running amuck in the federal government. It is quite clear that Bush appointees continue to place partisan politics above the work of the American people.

Surprisingly, despite [the call](#) by EAC Commissioner Rodriguez to respond to Wang's request, only silence so far from the EAC.

#####

National
Controversial USA Delivered "Voter Fraud" Indictments Right on Time

TPMmuckraker
By Paul Kiel
May 1, 2007

The Justice Department has a longstanding policy regarding the prosecution of election law or voter fraud cases: the closer to the election it gets, the more cautious prosecutors should be about bringing indictments. The reason is simple. Bringing an indictment close to the election can intimidate minority voters, affect voter turnout and potentially even influence the result of the election.

But Bradley Schlozman -- the former U.S. Attorney for Kansas City and controversial deputy head at the Civil Rights Division -- broke with the policy. Not only that, but there's evidence that he rushed four indictments to land just before last November's election.

Indeed, timing aside, even Schlozman's decision to pursue the cases at all is questionable in light of established Justice Department practice. Although trumpeted as cases of voter fraud, the cases alleged only registration fraud, and there's no evidence that those registrations were intended to result in actual fraudulent votes. For that reason, other U.S. attorneys have passed on pursuing similar prosecutions. But Schlozman, who'd worked to push voter I.D. laws while in the Civil Rights Division, leapt at the opportunity.

The more you learn about Schlozman's decision to indict four voter registration recruiters for the Association of Community Organizations for Reform Now (ACORN) five days before last year's election -- Missouri's Jim Talent was battling Claire McCaskill in one of the closest Senate races in the country --, the worse it looks.

News coverage of the indictments tended to buttress the notion that liberal groups like ACORN were conspiring to steal the election. The indictments were covered by Fox News (where a Kansas City election official was quoted as saying that it was "the worst case of registration abuse in the last quarter century"), as well as the AP, CNN, and other nationwide outlets. Schlozman announced in a statement that "This national investigation is very much ongoing."

It had been the longstanding practice of the Justice Department not to bring such indictments so close before an election. That's according to Joe Rich, the former head of the Justice Department's Civil Rights Section, and a Justice Department manual written by Craig Donsanto, head of the Election Crimes Branch at Justice, which advised that "Federal prosecutors and investigators should be extremely careful to not conduct overt investigations during the pre-election period or while the election is underway."

Even Alberto Gonzales himself said just two weeks ago that "We have guidance about that, doing those kind of investigations near an election," to be "sensitive about the effect it has on particularly minority participation."

But if Schlozman was trying to be sensitive, he didn't show it. In addition to issuing the statement that the "national investigation" into ACORN's registration of mostly poor, minority voters was "very much ongoing," Schlozman also announced the next day that his office would be monitoring the election for fraud. An assistant U.S. attorney would be on duty all day to "ensure public confidence in the integrity of the electoral process."

And there is evidence that the indictments were rushed to come down before Election Day.

According to Elyshya Miller, ACORN's head organizer for Kansas City, ACORN identified certain forms as potentially fraudulent and turned them over to prosecutors in late October; four organizers were responsible. A week later, all four organizers were indicted by a grand jury.

But in their evident haste to indict, the prosecutors made a mistake -- they indicted the wrong person. Three weeks after the election, Schlozman's office dropped the charges against one of the defendants,

Stephanie Davis, admitting that her identity was used without her permission. It was not until January of this year that Schlozman's office finally indicted one Caren Davis, who was apparently the person they were really after. Caren Davis' lawyer Dana Altieri told me that Davis is currently undergoing a psychiatric evaluation to determine whether she is competent to stand trial.

But let's look at the indicted crimes themselves. The four defendants were accused of forging the registration forms for a grand total of six voters (Caren Davis was responsible for three). In some cases, the defendants simply made people up; others forged the registrations for real people.

As *The New York Times* has noted, "the forms could likely never be used in voting." Other U.S. attorneys had declined to pursue similar cases -- in fact, despite Schlozman's "national investigation," these were the only charges filed against ACORN organizers nationwide in 2006.

Two of the fired U.S. attorneys provide an answer why.

The former U.S. Attorney for Little Rock Bud Cummins told Salon that in cases like this, the fraud is perpetrated *upon* ACORN, not by them. The organizers forge registrations in order to justify their \$8.00/hour wages. Elyshya Miller, the organizer from ACORN, explained to me that the group frequently hires people who are in "desperate situations," who "really need something at the time."

Schlozman's cases, the *Times* reported, were "similar to one that [former U.S. Attorney for New Mexico David] Iglesias had declined to prosecute, saying he saw no intent to influence the outcome of an election."

Two of the four defendants have pled guilty -- neither have been sentenced.

Schlozman's office has sought to justify the timing of the indictments by saying that they were reviewed by Justice Department officials Washington. If true, that would raise even more questions: who there decided to depart from department policy and approve the indictments? Why?

Will Thomas contributed reporting to this piece

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National
Organizations start campaign against Real ID

Federal Computer Week
BY Alice Lipowicz
Published on May 2, 2007

Civil liberties and consumer organizations have started a national campaign against the Real ID Act regulations issued by the Homeland Security Department because they believe the new identification system will have serious negative effects on privacy and civil rights.

The campaign was announced May 1 by 43 organizations, and seven groups joined today, bringing the total of groups involved to 50. The purpose of the effort is "to stop the nation's first national ID system," the coalition said.

The organizations, led by the American Civil Liberties Union, say they are worried about increased threat of counterfeiting and identity theft due to lack of security to protect against unauthorized access to the information on the ID cards.

They also object to the expense of the cards and to individuals' loss of privacy and control of their personal information if the cards are breached or misused. Some civil libertarians suggest the negative consequences of a national identification card system could be extreme -- such as allowing

unprecedented government tracking of individuals and possibly hindering authorizations for jobs, medical care or housing – if the information is stolen or abused.

“Under the act, states and federal government would share access to a vast national database that could include images of birth certificates, marriage licenses, divorce papers, court ordered separations, medical records and detailed information on the name, date of birth, race, religion, ethnicity, gender, address, telephone, e-mail address and Social Security number for more than 240 million [people], with no requirements or controls on how this database might be used,” the coalition said.

Congress passed the Real ID Act of 2005 on the recommendation of the 9/11 Commission to standardize state-issued drivers' licenses nationwide to curb abuses and prevent illegal aliens from obtaining ID cards by using false information. Several of the 2001 terrorists had valid U.S. driver's licenses.

However, several state legislatures have rejected the Real ID Act requirements. To date, Arkansas, Idaho, Maine, Montana and Washington state have voted not to participate in implementing the Real ID Act because of its high costs and privacy concerns. State governments will have to spend about \$11 billion on Real ID over five years, according to a September 2006 study by the National Conference on State Legislatures, the National Governors Association and the American Association of Motor Vehicle Administrators.

The civil liberties groups also are concerned about increased costs for obtaining a license or state-issued ID card, and possibly “arbitrary and capricious” decisions at state agencies that may hinder persons from getting an ID card.

Public comments are due by May 8 on regulations to implement the Real ID Act .

Alice Lipowicz writes for Washington Technology, an 1105 Government Information Group publication.

#####

National / Florida GAO Will Examine Florida Ballot Fight

Roll Call
May 3, 2007
By Matthew Murray
Roll Call Staff

A House task force agreed Wednesday to enlist an in-house auditor to explore whether faulty voting equipment left thousands of votes missing last year in Florida's still-disputed 13th district election.

The House Administration elections task force, chaired by Rep. Charlie Gonzalez (D-Texas), unanimously voted at its first public meeting Tuesday to turn the matter, for now, over to the Government Accountability Office, a nonpartisan Congressional investigatory agency.

The GAO will attempt to determine the cause of 18,000 possible “undervotes” in November in the House contest between bank executive Christine Jennings (D) and now-Rep. Vern Buchanan (R) in the race to replace Rep. Katherine Harris (R), who stepped aside to pursue a Senate bid.

Although Florida auditors certified that the Jennings-Buchanan contest was decided by just 369 votes, Jennings continues to insist that malfunctioning voting equipment led to the missing votes, robbing her of victory.

The contested election, initially expected to move relatively quickly through the Florida court system, has ground to a halt. With roughly one-quarter of the 110th Congress already done, Democrats at Tuesday's meeting said that time is of the essence.

"I think we need to put this to rest," said Rep. Zoe Lofgren (D-Calif.).

The GAO report is expected to take about 45 days to complete, officials said. While House Democratic leaders agreed to seat Buchanan at the beginning of the year, they have not ruled out the possibility of removing him from Congress and seating Jennings if subsequent evidence suggests that she actually won the election.

Lofgren, Gonzalez and freshman Rep. Kevin McCarthy (R-Calif.), a former aide to retired Ways and Means Chairman Bill Thomas (R-Calif.), are the three Members on the panel's elections task force.

Despite his vote to send the matter to the GAO, McCarthy and other Republicans have been critical of perceived Democratic meddling ahead of a final decision by Florida courts. Many GOP critics say little evidence in the ongoing case conclusively suggests that the voting machines malfunctioned.

"Do we go through a [Congressional] investigation, which has its own ramifications ... [with] no evidence before us that says there is a problem with [ongoing court] investigations?" McCarthy asked at Wednesday's hearing. "I would argue that there [already] has been an investigation ... [Florida authorities] have looked at the machines."

"Are we doing a disservice to Congressman Buchanan?" McCarthy continued. "I think its time to move on."

But for Jennings, who continues to raise money to finance her ongoing court battle, Wednesday's decision by the task force means that her 2006 House bid lives another day.

"I am thrilled that the investigation will move forward. This is about more than who won or lost an individual election – it's about protecting the right to vote," Jennings said in a statement. "The 18,000 people in Sarasota who lost that right, and the millions of Americans nationwide who use electronic voting machines, deserve answers."

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National / Florida

House Admin. Elections Subcmte. Meeting Today Wed, 5-2-07: Contested Florida-13th Congressional Election

Roll Call

May 1, 2007

Administration

Meeting

Ad Hoc Election Panel Subcommittee meeting on issues pertaining to the contested election in the 13th Congressional District of Florida. Democratic candidate Christine Jennings, who lost the election to Rep. Vern Buchanan (R-Fla.) by 369 votes, is contesting the election "claiming that 18,000 votes were lost due to a computer glitch in the touchscreen electronic voting system." Room 1310, Longworth House Office Building May 2, 2007 10:30 a.m. Contact: (202) 225-2061

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National / Florida

Millions Of Dollars Found For New Voting Equipment (EAC & Florida)

Touch Screen Voting Machine Bill Comes To A Head

CBS News 4
May 2, 2007
Michele Gillen
Reporting

(CBS4) TALLAHASSEE It's not everyday that you find millions of dollars, but that's exactly what happened Wednesday with millions of dollars to help our state's voting system.

The US Election Assistance Commission will allow Florida to use federal funds to replace the state's touch-screen voting machines with a verifiable paper-trail system. Until now, there was concern that the state would have to dish out all the money to revamp its voting system.

The Florida Legislature is on the verge of passing an elections bill that calls for the use of nearly \$28 million dollars in federal funds to replace touch-screen voting machines used in 15 counties. But until yesterday, state lawmakers and Florida's Secretary of State did not know for sure whether they could rely on federal money from the Help America Vote Act. It appears that the state had federal money all along that was supposed to pay for a fix to the 2000 hanging chad debacle.

The Election Assistance Commission said during a public hearing in Washington that it would permit the use of federal funds.

Sandy Wayland, president of the Miami-Dade Election reform coalition is aghast over where federal dollars that are now allegedly being offered to pay for new optical scan machines are coming from. She says counties have been trying to collect these very dollars for years. They were earmarked to reimburse counties for the cost of getting rid of paper ballots replacing them with electronic voting machines.

"It says that there's been a gross mismanagement of funds and perhaps a little bit of secrecy," said Wayland. "What they were planning on doing with this money back in the day, I have no idea. The county certainly could have used it."

Counties such as Miami-Dade are still paying their debt for installing new voting equipment the first time around.

Even though Florida is one step closer to getting the optical scan machines, the question still remains as to what will be done with the instructions, which are only written in English, creating problems in multiethnic communities such as Miami-Dade.

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National / Florida

'Daily Voting News' For May 2, 2007 (Gideon;...state only reimbursed the counties with 20% of the funds they had coming when they bought new voting systems.)

John Gideon
VotersUnite.org
Brad Blog
May 2, 2007

¹While the voters in Florida have received good news from the Election Assistance Commission (EAC) which has told them they can spend HAVA funds ^[3] for new optical-scan machines to replace their DRE machines, all is not golden. The interplay with the EAC has revealed that the state only reimbursed the counties with 20% of the funds they had coming when they bought new voting systems. Where did the rest of the money go and why are the counties still making payments for something that should have been paid for? Also, the state House of Representatives has taken the just passed Senate bill that would have given the voters optical-scan systems and they have begun a 'slice and dice' job on the bill. The House just

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needs to pass the Senate bill ^[4] and fund the change and not play political games that will only harm the voters, again. Meanwhile a committee in the US House of Representatives has voted on party lines to investigate the FL-13 ^[5] congressional election and what happened to 18,000 votes.

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Missouri

McClatchy Newspapers: 'Missouri Was Ground Zero' For GOP 'Voter Fraud' Scam, Thor Hearne and ACVR at Center of Scheme (EAC & DeGregorio mentioned)

National Mainstream Media FINALLY Picks up on, Exposes the 'Non-Partisan' 'American Center for Voting Rights' Fraud...

Brad Friedman
Brad Blog
May 2, 2007

After more than two years of banging the drum here at The BRAD BLOG ^[1], it looks as if the national MSM have *finally* picked up on the fraud perpetrated by Missouri's White House operative Mark F. "Thor" Hearne and his high-level, democracy-hating GOP scammer pals in Missouri, at the Department of Justice, and in the White House.

In a McClatchy article ^[2] just out today, reporter Greg Gordon correctly identifies Missouri as "Ground Zero" in the Republican attempt to establish phony claims of Democratic "voter fraud" in order to institute new restrictions at the polls as part of an insidious ploy to Democratic-leaning voters from being able to cast their vote.

Gordon reports on a number of issues out of Missouri that we've covered here over the years, including; the unsubstantiated claims of "voter registration fraud" against ACORN filed just prior to the '06 election in the Show-Me state; the unsuccessful lawsuit brought by the DoJ against MO SoS Robyn Carnahan alleging more voters on the rolls than actual eligible voters; and the unconstitutional Voter ID law as pushed through the MO legislature as drafted by the slime-ball Hearne.

As well, McClatchy finally outs the supposedly "non-partisan" American Center for Voting Rights (ACVR) ^[3], as created by Hearne and RNC Communications director, Jim Dyke. We began reporting on ACVR just three days after they went public on March 22, 2005 ^[4] to testify before then-Rep. Bob Ney's (R-OH) House Administration Committee on *Democratic* attempts at "vote suppression" during Ohio's 2004 Presidential Election.

Gordon finally exposes the ACVR in the mainstream media for what it actually was: Little more than a well-coordinated, (and still-mysteriously-funded) scam to produce public propaganda to support the GOP's insider push in swing states for voter suppression legislation and tactics by Republican officials.

Though the ACVR claimed tax-exempt 501(c)3 status from the beginning (despite their inability to show evidence of same), their "non-partisan" status was neatly embellished several months after they formed when they added "Democrat" Brian Lunde as their Executive Director. As Gordon writes...

Joining the push to contain voter fraud were Missouri Sen. Kit Bond, who charged that votes by dogs and dead people had defeated Ashcroft, GOP Gov. Matt Blunt, whose stinging allegations of voter fraud were later debunked, and St. Louis lawyer Mark "Thor" Hearne, national counsel to President Bush's 2004 reelection campaign who set up a non-profit group to publicize incidents of alleged voter fraud.

...
[i]n February 2005, Hearne helped establish the non-profit Center for American Voting Rights,

which issued lengthy reports alleging voter fraud in states across the country, including Missouri. One director for the supposedly non-partisan group was Brian Lunde, a former executive director of the Democratic National Committee, who switched parties in 2000 and headed Democrats for Bush in 2004.

We covered the Lunde element of the scam back [in August of '05](#)^[5] as the bulk of the MSM were still quoting reports from the phony group, and using their spokesmen as sources identified as "non-partisan," "grass roots," and "voting rights advocates."

[Our article earlier today](#)^[6] (and several prior to it, most recently [here](#)^[7] and [here](#)^[8]) reveals still more of Hearne's Missouri machinations and how his direct connections to the White House and DoJ led to the firing of the U.S. Attorney in Arkansas, Bud Cummins. The Republican attorney had been investigating both Gov. Matt Blunt and Hearne's lawfirm, Lathrop & Gage --- who have long served as Blunt's legal reps --- at the time of Cummins's unwarranted removal and subsequent replacement by a Rove protégé.

Gordon's [complete article](#)^[9] is a must-read. But allow us to highlight a few key passages concerning Hearne specifically, as well as Rove, Blunt, Sen. Kit Bond, DoJ "voter fraud" zealot/operative Bradley Schlozman (who would be installed, despite a lack of any previous prosecutorial experience, as *interim* U.S. Attorney in MO's Western District, just in time to bring several inappropriate, unsupported, and unprecedented "voter fraud" cases in the days prior to the '06 election), and the rest of the corrupt Missouri politicians/gangsters willing to use their offices in order to undermine democracy for their own personal, political gain.

"Few have endorsed the strategy with more enthusiasm than White House political guru Karl Rove," writes Gordon, "and nowhere has the plan been more apparent than in Missouri."

He reports that for all the sturm and drang in Missouri concerning allegations of "voter fraud," little, if any, was actually ever proven to be true. While in the meantime, the entire scheme has now been revealed as "part of a wider effort to protect the GOP majority in Congress with a series of measures to dampen Democratic turnout."...

Now, six months after freshman Missouri senator Jim Talent's defeat handed Democrats control of the U.S. Senate, disclosures in the wake of the firings of eight U.S. attorneys show that GOP campaign to protect the balloting was not as it appeared.

In fact, no significant voter fraud was ever proven.

Instead, the Republican preoccupation with voter fraud was part of a wider effort to protect the GOP majority in Congress with a series of measures to dampen Democratic turnout. They included stiffer voter ID requirements, wholesale purges of names from lists of registered voters and tight policing of liberal get-out-the-vote drives.

Few have endorsed the strategy with more enthusiasm than White House political guru Karl Rove, and nowhere has the plan been more apparent than in Missouri.

Gordon unearths this nugget about a visit by Rove to Missouri just prior to the 2006 Election and his meeting with "Republican strategists" and "a large number of lawyers that are standing by" to take on the "threat of voter fraud."

In an interview with conservative talk show host Hugh Hewitt a couple of days before the election, White House adviser Rove said he had just visited Missouri and met with Republican strategists who "are well aware of" the threat of voter fraud. He said the GOP had "a large number of lawyers that are standing by, trained and ready to intervene" to keep the election clean.

One can safely assume that Rove met with "Republican strategist" and "lawyer" Hearne, as the St. Louis attorney was the point man, in Missouri and elsewhere, for the entire national scam. Earlier in the year,

Rove thanked Hearne ^[10], by name, for his "work on clean elections" in 2000 and 2004, during an April 2006 speech at a Republican National Lawyers Association (RNLA) conference.

Gordon traces the early moments of Hearne's emergence on the scene back to an incident during the 2000 Election in St. Louis which would eventually feed the entire national GOP-backed voter suppression effort...

It's difficult to capture the emotional debate over voter fraud in Missouri without considering the Election Day tumult in St. Louis on Nov. 7, 2000. Hundreds, perhaps thousands of voters were turned away from the polls because their names weren't on official voter lists, and many of them converged on the city's election board seeking assistance.

Responding to the bedlam, Democrats won an emergency court order keeping some polls open beyond their scheduled 7 p.m. closing. That outraged Republicans and Hearne, the Bush campaign lawyer, won an emergency appeals court ruling that shut the polls within an hour.

In the ensuing days, Sen. Bond blamed Ashcroft's defeat on "a criminal enterprise."

The following summer, then Secretary of State Blunt alleged in a 47-page investigative report that the use of affidavits to allow more than 1,000 "improper ballots ... compels the conclusion that there was in St. Louis an organized and successful effort to generate improper votes in large numbers."

But an investigation by the Justice Department's Civil Rights Division, launched before Ashcroft settled in as U.S. attorney general in 2001, found the reverse.

As we've charged many times, in scores of The BRAD BLOG ^[11] articles, Hearne then plied his trade as both an oft-quoted mouth piece in the media, and more insidiously, as a back room man, helping to create staged events like; the James Baker/Jimmy Carter chaired "Blue Ribbon National Election Reform Commission" ^[12] (which, surprise surprise, ended up advocating for ^[13] Photo ID measures at the polls); a recent study by the U.S. Election Assistance Commission (EAC) which was first buried ^[14] and then altered ^[15] when it failed to show the evidence of "voter fraud" that Hearne and the EAC's then-chair, Paul DeGregorio, a St. Louis colleague of Hearne's, had hoped for; and most destructively, legislation in a number of states attempting to force Voter ID restrictions at the polls despite millions of citizens who would have no ID to meet the narrow provisions which have been ruled unconstitutional already in several states.

As Gordon writes:

Republican state Sen. Delbert Scott of Lowry, Mo., chief sponsor of the photo ID bill last year, said Hearne helped draft it and served as a key adviser.

Hearne did not respond to several requests for comment. His organization closed down its Internet site in March and has since disappeared from view.

Again, we encourage you to read Gordon's entire piece ^[16] (and hope that he, and others who chance upon our coverage here, will peruse our detailed reports and documents on Hearne and the ACVR scam via our Special Coverage Page ^[17] devoted to the matter). But before we leave you for now, a quote from Missouri's Democratic Rep. William Lacy Clay Jr. in the article sums the entire issue up perfectly.

"The real problem has never been vote fraud," Clay said in a recent interview. "It's access to the polls. In the last 50 years, no one in Missouri has been prosecuted for impersonating someone else at the polls. But thousands of eligible voters have been denied their constitutional rights ... It's sickening."

Sickening, indeed. Glad the mainstream media are finally beginning to catch on.

^[19]For more information on the "non-partisan" tax-exempt ACVR "Voter Fraud" scam and the snakeoil salesmen who invented it, Bush/Cheney '04 National General Counsel Mark F. "Thor" Hearne and RNC Communications Director Jim Dyke, please see BRAD BLOG's full Special Coverage of the "American Center for Voting Rights" at <http://www.BradBlog.com/ACVR> ^[20].

Article printed from The BRAD BLOG: <http://www.bradblog.com>

URL to article: <http://www.bradblog.com/?p=4500>

URLs in this post:

- [1] banging the drum here at The BRAD BLOG: <http://www.BradBlog.com/ACVR>
- [2] McClatchy article: <http://www.realcities.com/mld/krwashington/news/nation/17168096.htm>
- [3] American Center for Voting Rights (ACVR): <http://www.BradBlog.com/ACVR>
- [4] on March 22, 2005: <http://www.bradblog.com/?p=1276>
- [5] in August of '05: <http://www.bradblog.com/?p=1672>
- [6] Our article earlier today: <http://www.bradblog.com/?p=4494>
- [7] here: <http://www.bradblog.com/?p=4447>
- [8] here: <http://www.bradblog.com/?p=4429>
- [9] complete article: <http://www.realcities.com/mld/krwashington/news/nation/17168096.htm>
- [10] Rove thanked Hearne: <http://www.bradblog.com/?p=2678>
- [11] The BRAD BLOG: <http://www.BradBlog.com>
- [12] "Blue Ribbon National Election Reform Commission":
<http://www.bradblog.com/archives/00001316.htm>
- [13] advocating for: <http://www.bradblog.com/?p=1847>
- [14] buried: <http://www.bradblog.com/?p=3611>
- [15] altered: <http://www.bradblog.com/?p=4391>
- [16] entire piece: <http://www.realcities.com/mld/krwashington/news/nation/17168096.htm>
- [17] Special Coverage Page: <http://www.BradBlog.com/ACVR>
- [18] Image: <http://www.BradBlog.com/ACVR>
- [19] Image: <http://www.BradBlog.com/ACVR.htm>
- [20] <http://www.BradBlog.com/ACVR>: <http://www.BradBlog.com/ACVR>

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Bryan Whitener/EAC/GOV
05/03/2007 12:48 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,
cc Elieen L. Collier/EAC/GOV@EAC, fms.eacfabre@yahoo.com, Stephanie Wolson/EAC/GOV@EAC, [REDACTED]
bcc

Subject Fw: electionline Weekly-- May 3, 2007

FYI....Electionline Weekly-- May 3, 2007

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Subject electionline Weekly-- May 3, 2007

electionline Weekly - May 3, 2007
electionline.org

I. In Focus This Week

New Spanish-Language Glossary Aims to Help Election Officials

First revision of glossary of voting terms since 1979

By M. Mindy Moretti
electionline.org

When is a member contribution not a member contribution? When in Cuban-Spanish it's an aportes de los miembros (masculine) and in Puerto Rican-Spanish it's a contribuciones de los miembros (feminine) and for other Spanish-speakers, it's an aportaciones de los miembros (feminine).

The last time a Spanish-language glossary of voting terms was produced - by the Federal Election Commission (FEC) in 1979 - there were approximately 11 million people in the United States who spoke Spanish as their primary language. The Language Minority Provision of the Voting Rights Act of 1965 requiring some jurisdictions to provide foreign-language voting information was four years old and only 16 jurisdictions in six states and two states in their entirety were required to provide voting information in Spanish.

Twenty-eight years later, there are approximately 31 million people in the U.S. who speak mainly Spanish at home, 65 jurisdictions in 15 different states as well as four states in their entirety are required to provide voting information in Spanish, and the U.S. Election Assistance Commission (EAC) has released a new and updated Spanish-language glossary of voting terms.

"We had an obligation to update this helpful tool for Spanish-speaking voters and the election officials who serve them, and I am very pleased to announce that we have gotten it done," EAC Chair Donetta Davidson said in a statement.

The EAC convened its first Language Working Group as part of the Language Accessibility Program in 2005. From that group - made up of local election officials, Congressional staff members, national advocacy groups as well as research and public policy organizations - came a variety of recommendations including the need to re-do the voting terms glossary.

From abandoned ballot (papeleta abandonada) to zoning regulations (normas de zonificacion) the glossary covers 1,843 terms and phrases used in the election process. That's more than double the number of terms that were in the FEC's 1979 glossary.

When compiling the list of terms, the contractor for the EAC consulted with members of the working group and with all the state election Web sites to see what terminology was frequently being used in the election world.

"So many words and terms simply didn't exist in 1979. There is a lot more technical language in the election field now," explained Edgardo Cortes, EAC election research specialist. "We went through six or seven revisions of the list to eliminate duplicate terms and terms that were too local."

Some localities, such as Los Angeles County, had their own Spanish-language glossary of elections terms. The EAC relied heavily on them for assistance with the new glossary.

"I think they [Los Angeles County] showed a lot of initiative in producing their own glossary," said EAC Vice-Chair Rosemary Rodriguez. "And they shared it freely not only with us, but with other jurisdictions as well."

Even though much has changed in the world of elections and some voting equipment or terminology may no longer be used on a daily basis, Cortes said no words, such as chad (perforacion), were eliminated because they still have historical context.

To ensure that translations were culturally and linguistically appropriate, terms were translated and reviewed by a multi-dialect team of translators representing four of the main regions of origin of the Hispanic population living in the United States - Mexico, Puerto Rico, Cuba and Central America.

And this is sometimes where they ran into problems and had to print multiple translations for one word or phrase, as was the case with member contribution. Although the translating of the glossary was done by an outside contractor, it was up to Cortes and another member of the EAC staff to make sure that those translations were accurate and culturally relevant.

"We had to make sure that we weren't doing literal translations," Cortes said. "One of the biggest

complaints we heard during the working group was that they appreciated the effort being put forth by election administrators, but a lot of times the translation was done very literally and it didn't provide the same meaning."

But sometimes a word or phrase had to be literally translated. Such was the case with sip/puff tube for voters who are not able to use the touch screen or touch pad, which, translated is: tubo de succión/exhalación para electores quenno pueden utilizar la pantalla táctil o la almohadilla táctil.

According to Cortes, so far the feedback on the new glossary of terms has been positive.

"We've actually gotten several emails from election officials and they are very excited about it," Cortes said. "We're getting lots of requests for printed copies, which should be available sometime late next week."

Next on the EAC agenda for translation are Pacific Rim languages including Chinese, Japanese, Vietnamese, Korean and Tagalog.

According to Rodriguez, the language working group is already in place for the next round of translations and the commission has reserved money in the FY07 budget to translate and produce a glossary in these other languages and hopes to have them in time for the 2008 election cycle.

After these translations are complete, Rodriguez said the Commission hopes to move on to translations for American Indian languages.

"It's going to be a big challenge, but it is on our work plan to try to attempt to produce a glossary," she said. "There are so many different dialects and Navajo, which is surely one we would attempt to do, is probably one the most complex languages in the world. We're really going to have to put our shoulders to the wheel when we tackle that."

II. Election Reform News This Week

- The U.S. Election Assistance Commission this week gave Florida permission to use previously allotted, but unspent, HAVA funds to purchase new paper-based voting machines. According to *The Miami Herald*, the decision came after a two-hour meeting with the EAC, which rejected the initial bid to tap federal money, but then told the state how to get the \$28 million it asked for anyway. The state could secure the funds by reimbursing itself for the millions the state spent on new voting machines after the 2000 election. Julie Hodgkins, general counsel for the EAC, said Florida and its counties never reimbursed themselves for the full costs when they scrapped punch-card voting machines in 2000.
- Early voting began this week in Texas and a "glitch" with the state's new voter registration database was to blame for a series of problems voters encountered. Names of registered voters - including the mayor and mayor pro-tem of the city of Prairie View - did not appear on voter rolls as the polls opened for early voting on Monday. Scott Haywood, a spokesman for the Texas secretary of state told *The Houston Chronicle* that

the agency received complaints from about 17 jurisdictions that did not get a complete report of registered voters for the May 12 elections. Haywood attributed the problems to technical setbacks in the Texas Election Administration Management System, a new state database that makes it easier to track people moving around Texas. He said the agency has made improvements to the system and all counties should have received a completed list by Tuesday.

- Vote centers debuted this week in Indiana to fairly good reviews. The two vote centers that opened in Richmond on Monday for early voting make up half of four centers in Wayne County that replace 31 precinct polling places. The other two vote centers will open on May 8. "I came out to support this new system and I love it," first-time voter Sharon Brant told the *Palladium-Item*. "I think it's a great idea and I appreciate the convenience of it. Everything went great." Wayne County is the first in Indiana to vote using the format, which could be adopted statewide.
- Robert Diebold is running for office in Ohio, but the candidate has no interest in riding the voting-machine giant's coattails to victory. Diebold, a Republican candidate for mayor of Newark, has no connection to the Ohio-based company. But he was so concerned about his name being associated with the company that provides touch-screen voting machines to Licking County that he contacted the local elections board. "I would like my name not to be an issue," Bob Diebold told *The Columbus Dispatch*. "I would think that would be unfair. I wanted them to cover it up. I'd donate the duct tape." The county election board turned to Secretary of State Jennifer Brunner (D) for guidance and her staff told the county it could cover up the Diebold name on voting machines if it wanted to, but the county declined. Jay Morrow, director of elections for Licking County said that the candidate himself is the only one who has raised any concerns about the coincidence.

III. Opinion This Week

National: Vote fraud, II
California: Voting machines
Colorado: Vote by mail
Florida: Voting machines, II
Hawaii: Electoral College
Indiana: Vote centers
Louisiana: Voter registration
Pennsylvania: Poll workers
Texas: Voter ID, II
Wisconsin: Voter ID, II

Some sites require registration

IV. Job Postings

All job listings must be received by 12 p.m. Eastern on Wednesday for publication in our Thursday newsletter. Job listings are free but may be edited for length. Whenever possible, include Internet information. Please email job postings to mmoretti@electionline.org

ELECTIONS DIRECTOR - Navajo County, Ariz. Looking for a rewarding career while enjoying a relaxing country lifestyle? Navajo County and the White Mountains are for you! Navajo County is accepting applications for an Elections Director. This position is responsible for managing the Elections Department to include: planning, organizing and directing County wide elections; establishing policies, procedures and guidelines; ensuring voting and voting procedures are in compliance with Arizona State statutes; making public presentations; certifying results of elections; and developing and administering the department's budget. The successful candidate should have a Bachelor's Degree in Public or Business Administration, Political Science, or a closely related field; and three years of progressively responsible experience in conducting governmental elections, including one year in a supervisory or management capacity; **OR** equivalent combination of education, training and experience; and must pass the Arizona State Election Certification program. Salary range is \$50,750 - \$63,438 per year, depending on qualifications. Benefits include paid leave. Please submit a Navajo County application to: Navajo County Governmental Complex; Attn: Human Resources; PO Box 668; Holbrook, AZ 86025. Position description and application information available at www.co.navajo.az.us. EOE.

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